S. HRG. 101-611

NOMINATIONS OF ERICH W. BRETTHAUER: JACQUELINE L. PHILLIPS; HILDA GAY LEGG; L. JOYCE HAMPERS; AND BRIG. GEN. ARTHUR E. WILLIAMS

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

THE NOMINATIONS OF ERICH W. BRETTHAUER TO BE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT, ENVIRONMENTAL PROTECTION AGENCY; JACQUELINE L. PHILLIPS, TO BE FEDERAL COCHAIRMAN, APPALACHIAN REGIONAL COMMISSION; HILDA GAY LEGG, TO BE ALTERNATE FEDERAL COCHAIRMAN, APPALACHIAN REGIONAL COMMISSION; L. JOYCE HAMPERS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT; AND BRIG. GEN. ARTHUR E. WILLIAMS, TO BE A MEMBER AND PRESIDENT, MISSISSIPPI RIVER COMMISSION

FEBRUARY 22 AND MARCH 27, 1990

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NOMINATIONS OF ERICH W. BRETTHAUER; JACQUELINE L. PHILLIPS; AND HILDA GAY LEGG

THURSDAY, FEBRUARY 22, 1990

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, Hon. Quentin N. Burdick (chairman of the committee) presiding.

Present: Senators Burdick, Reid, and Moynihan.

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. The committee will come to order.

The committee is meeting today to hear from three nominees.

First, we hear the testimony of Erich Bretthauer, who has been nominated to serve as Assistant Administrator for Research & Development at the Environmental Protection Agency. This is the final vacancy to be filled at EPA.

The EPA research and development program went through some troubled times in the 1980s. Often the funding just wasn't there to enable the office to do its job properly. For long periods of time the top leadership post was vacant, undermining the continuity and support that is critical to the objectives of a sound research program.

With that in mind, I am pleased to welcome Mr. Bretthauer here today. He has spent most of his career in EPA research and probably understands better than anyone the strengths and weaknesses of the program. In addition, he spent nearly two years on a fellowship with this committee, so he has an appreciation for the workings of the Hill.

An ongoing concern for us has been how to provide EPA's research program with some stability. Given the resource constraints facing the Federal Government, we haven't been able to keep up with the needs of the research program. Too frequently, those needs seem to be subordinate to the funding for our immediate problem at the expense of preventing future ones.

I look forward to Mr. Bretthauer's thoughts on his priorities for the research program and how we can work together on the funding matter. Again, I extend a cordial welcome to the nominee and the members of his family who are present here today.

Does any other member have an opening statement?

OPENING STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Senator REID. If it please the Chairman, and I certainly don't want to take the time of the Senator from New York, but I do have the pleasure today of introducing a friend of mine and a resident of the State of Nevada who will temporarily reside in Washington, D.C.

Mr. Chairman and members of the committee, I am pleased to introduce and support the nomination of Erich W. Bretthauer of Nevada to be Assistant Administrator for Research and Development within the Environmental Protection Agency.

Mr. Chairman, I would also like to introduce his wife, Charlene, his son, Erich II, and his mother, Mrs. Lucy Bretthauer of Reno, Nevada.

Mr. Chairman, Mr. Bretthauer is well qualified for the position to which he has been nominated. After first gaining a Bachelor of Science degree and then a Master of Science degree from the University of Nevada at Reno, Mr. Bretthauer has been working in environmental research for almost all of his professional life. Prior to 1980, Mr. Bretthauer worked at the EPA's Environmental Monitoring Systems Laboratory in Las Vegas, which is a large laboratory. In May, 1978, he was made Director of the laboratory's Advanced Monitoring Systems Division. In July of 1979 he was made Director of the laboratory's Nuclear Radiation Assessment Division.

After a brief sojourn in Washington, D.C. during the early 1980s, when he served on the Radiation Policy Council, he gained invaluable experience as a Congressional Fellow, working on the staff of this committee, and directed the EPA's Office of Environmental Processes and Effects Research.

Mr. Bretthauer returned to Las Vegas in 1985 as Director of the Environmental Systems Laboratory. His return to Nevada was to be brief, however. In 1987 he was made Deputy Assistant Administrator of the EPA's Office of Research and Development, an appointment which necessitated a return to Washington, D.C. With the resignation of Vaun Newill in 1988, Mr. Bretthauer was made Acting Assistant Administrator of EPA's Office of Research and Development.

Mr. Chairman, few others can have had such an impressive career in environmental research. Mr. Bretthauer has had experience working in an EPA laboratory, managing a laboratory, and administering an office with an annual budget of $375 million. In short, he has a proven record in science management.

But Mr. Bretthauer's achievements go far beyond that of a manager. He has also maintained a record of outstanding scholarship. Not only is he a frequent attendee of international conferences on the environment, but he continues to publish work in professional journals. Indeed, Mr. Bretthauer's list of publications would put many of our university professors to shame.

At a time when increased emphasis is being placed on research and development as a means of protecting the environment, it is important that the troubles that have plagued the EPA's Office of Research and Development in the past be resolved. The ALM Report of 1988 criticized the EPA for not doing enough to plan al-

ternatives to substances that cause pollution, and emphasized waste minimization. It is essential that a greater priority be paid to means of preventing pollution. Reliance upon "end of pipe" to pollution are no longer sufficient.

More recently, Administrator Reilly acknowledged in a management report that a majority of EPA's laboratories are "in a state of serious disrepair," that the health and safety of employees is at risk in some labs, and that some labs have been cited for OSHA violations as well as noncompliance with Federal and State regulations. Such a state of affairs should not be allowed to continue. The EPA should set standards that others will follow.

Strong leadership and a vision of the role that research and development should play in our efforts to protect our environment are required.

Mr. Chairman, members of the committee, I believe that Mr. Bretthauer can provide that leadership and vision, and I have no hesitation in recommending his confirmation to the members of this committee.

Senator MOYNIHAN. Mr. Chairman.

Senator BURDICK. The Senator from New York.

Senator MOYNIHAN. May I just add one remark to the thoughtful comments of our colleague, the Senator from Nevada?

Mr. Bretthauer is also a graduate of the Federal Executive Institute at Charlottesville. Too infrequently do we see a Presidential nominee who is from the career executive service of the Federal Government. He is every bit as distinguished as you say. To that distinction I would add that here is evidence of the quality of the career service of this Government, which is too little acknowledged, I fear, in some of the nominees we get before us.

May I say, sir, with regret, although I had a great pleasure of meeting with Mr. Bretthauer last night in a long talk, I have been asked by Senator Bentsen if I could chair the meeting of the Finance Committee which meets in two minutes. He is not available, so forgive me, I am going to miss this.

But I want to welcome you, sir, and welcome your family, and Mrs. Bretthauer. It is a pleasure.

Mr. BRETTHAUER. Thank you very much, Senator.

Senator BURDICK. Mr. Bretthauer, will you take the witness chair, please?

You are recognized for such time as you need to tell us about yourself.

STATEMENT OF ERICH W. BRETTHAUER, NOMINATED TO BE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT, ENVIRONMENTAL PROTECTION AGENCY

Mr. BRETTHAUER. Thank you, Mr. Chairman and distinguished members of this committee. It is my great honor to appear before you today as the President's and William Reilly's nominee for Assistant Administrator for the Office of Research and Development at EPA.

I would first like to tell you a little about myself. I am a career public servant who has been deeply involved in the environmental research agenda of this Nation for over 26 years. I was commis-

sioned as a Public Health Service officer in 1962 and began my career as a chemist in a U.S. Public Health Service laboratory, developing methods to measure radioactive pollutants in our environment. Over the next 25 years I conducted or directed research and rose through the science management ranks, first in the Public Health Service and then in the Environmental Protection Agency, to hold the highest level career position in EPA's research program. I have been deeply involved in responding to two of the most publicized environmental accidents in the U.S.: first, as the EPA official responsible for all EPA emergency operations at Three Mile Island, and last year as the EPA official responsible for overall development and testing of promising technologies for cleaning the many miles of shoreline contaminated by the Valdez oil spill.

I strongly believe that research is one of the most, if not the most, important tool we have to save our local and our global environment from becoming inhospitable. Perhaps no issue illustrates this more dramatically than global warming, one of the most important problems facing mankind today. When are we likely to experience global warming? What are its effects and how large will they be? What can we do about this threat?

Almost everywhere we turn, the major barrier to addressing environmental problems is scientific uncertainty. Clearly, research is our best tool to reduce scientific uncertainty, and the Environmental Protection Agency must lead as both a science agency and a regulatory agency if it is to successfully meet the environmental challenges of the 1990's. My foremost goal over the next three years, if I am confirmed by the Senate, would be to develop EPA's Office of Research and Development as a first-rank science organization.

Like the rest of EPA, the Office of Research and Development was formed in 1970 by merging several laboratories and functions from the Department of Health, Education and Welfare and the Department of the Interior into one organization. The result was a crosscut of laboratories that continued to perform short- and long-term research, technology transfer, and training activities, much as they had done prior to the landmark Clean Air Act and Clean Water Act. As additional statutory mandates were enacted—for example, the Resource Conservation and Recovery Act and the Safe Drinking Water Act—the Office of Research and Development largely eliminated its training activities and began to cut back on its long-term research. These changes were due to both budget constraints and the need to perform near-term research in response to these new statutes. Consequently, by 1987 EPA's research program focused almost entirely on near-term research.

It became increasingly obvious that EPA's research program, while very effective in meeting EPA's near-term research objectives, was totally reactive and not in a position to anticipate or get ahead of environmental problems. The obvious benefits and savings of a research program focusing on both long-term as well as short-term research were being lost.

In 1987 Lee Thomas, the former EPA Administrator, asked a blue ribbon scientific committee to evaluate the Office of Research and Development. One of the committee's major recommendations was to reconstitute a strong long-term research program that

would be synergistic with the near-term research that was currently ongoing. If I am confirmed, my number one initiative will be to continue on the path we began in 1989 to develop a strong, long-term full research program. In particular, I would emphasize long-term ecological research. If we as a society are to make responsible environmental protection decisions, we must better understand the complex ecosystems that sustain our existence on this planet. We must be better able to assess the condition of anthropogenic stress and also to our control strategies.

In addition to the emphasis on ecological research, we must continue our environmental health effects research program. Our health program, focused at the crucial interface between basic and applied research, has provided over the past 20 years the bulk of the human health effects data used to develop regulations for protecting our health. As we look ahead, this outstanding program will face new challenges. We must be able to meet the rapidly accelerating demand for information on pollutants we don't yet know much about and to extend our understanding of pollutant-related health effects to reproductive, developmental, and neurological effects.

My second major initiative would be an all-out effort to further develop the highly talented cadre of scientists, engineers, and managers within the Office of Research and Development. Outstanding scientists are the essential element in building a premier research organization. Scientists must be recognized and rewarded for scientific excellence and must work in a research-compatible environment. If confirmed, I would implement an effective dual-track system where outstanding scientists are recognized and rewarded in a manner similar to managers. I would also pursue other approaches to further developing ORD's management and nontechnical staff, as their contributions are essential to supporting quality science.

During the past two years we have already made a number of changes to streamline the management of the Office of Research and Development and to increase the number of scientists "at the bench." If confirmed, I plan to continue this effort.

My third goal would be to significantly expand our pollution prevention research. Over the past 20 years, both EPA and the private sector have focused on "end of the pipe" solutions to environmental problems. Little thought or research effort was given to process or product research that would reduce either the overall quantity of waste or at least the most environmentally harmful portions of waste. Pollution prevention research offers potentially large payoffs, both in economic savings and avoidance of future problems. Some of this research can best be done in cooperation with the private sector.

This leads me directly to my last goal, to better leverage EPA's fiscal and scientific resources with those of other Federal agencies, States, academia, and the private sector. Each of these institutions has expertise, experience, and capabilities that could be better utilized to conduct environmental research. To tap into these resources we must develop a more synergistic relationship with academia and industry. Involvement of the academic sector in our research will enhance the ability to anticipate the increasingly com-

plex environmental problems of the future, as well as to discover more innovative ways to solve our present problems. Academia can also contribute significantly to training environmental scientists and engineers. Similarly, we need to better engage industry in our mutual quest for solutions. A better understanding of industry problems on our part and a conscious sharing of environmental concerns at the early stages of product development could provide large dividends for both sectors.

Clearly, no one segment alone has the answers or the resources needed to generate the answers. More coordination and cooperation will bring large results to everyone. EPA's role should primarily be one of the coordinator and catalyst.

Environmental protection has, in the past decade, become much more of a global issue. We increasingly recognize the international nature of many of our environmental issues, such as acid deposition, stratospheric ozone depletion, ocean pollution, and climate change. We also increasingly realize that it is in our interest to share the understanding of, and solutions to, these problems among all nations. If confirmed, I would accelerate our international technical information exchange program and mechanisms to foster more environmental technical information exchange among all nations.

It is my goal that the Office of Research and Development make a significant difference by providing not only a much greater understanding of our environmental problems but also an understanding of how best to address these problems in ways that preserve and protect the environment while being economically feasible.

If confirmed, I look forward to the challenge of directing EPA's research to seek answers and solutions to the many difficult environmental problems facing not only this country but also the world we live in. It is an exciting challenge.

Thank you. I will be pleased to answer any questions you may have.

Senator BURDICK. There are a couple of routine matters that we need to begin with.

Are you prepared, at the request of any duly-constituted committee of the Congress, to appear before it as a witness?

Mr. BRETTHAUER. Yes.

Senator BURDICK. Do you have any interests that you know of, or connections that you know of, that might put you in a conflict of interests with your duties as an EPA Assistant Administrator?

Mr. BRETTHAUER. No.

Senator BURDICK. One of the recommendations of the Research Strategy Study, better known as the ALM Report, is for the establishment of an Environmental Research Institute. What is your view of the idea? Do you think it might help to provide some stability to research programs?

Mr. BRETTHAUER. The ALM Committee recommended the establishment of an institute to better serve as a focal point for integrating all of the ecological research needed to better understand the ecosystems in this Nation. I believe the concept of an institute is a viable one. I also believe the concept of accomplishing that same task could be done in other ways—for example, in enhancing the

existing capability of EPA's ecological research program in the agency, and better, more coordinated working relationships with other ecological research groups.

We are currently exploring both avenues in order to address this obvious problem of being better able to understand the ecological systems which are the foundation of life on this planet.

Senator BURDICK. The ALM Report proposed limiting the institute to ecological research. Why not include health effects research as well?

Mr. BRETTHAUER. It is our belief that we have reasonable mechanisms, Mr. Chairman, already at hand, including those agencies within the Department of Health and Human Services that, in close coordination with our own health effects research program, adequately address the area of health effects research.

We have no similar type of mechanism currently existing in the area of ecological research.

Senator BURDICK. Administrator Reilly outlined some serious problems of the EPA's research infrastructure in a December report to the President under the Federal Managers Financial Integrity Act. It was stated that the health and safety of employees is at risk at some labs. Outmoded equipment and facilities are other problems that were mentioned.

If the situation is this serious, what are you proposing to do about it? And are the funds available to correct the problems?

Mr. BRETTHAUER. We are immediately moving to address any imminent health hazard for any of our employees in any of our laboratories in EPA. We will be dealing with the long-term facilities question in the forthcoming budget exercise.

So it is an important priority for us. We're certainly not going to let any of our employees be exposed to or work in an unsafe or unhealthy environment. At the same time, I believe that our environments can be made safe and healthy to work in on a temporary basis, but we need to work toward long-term solutions. We hope to be working with the Congress in addressing those longer-term solutions to our building and instrumentation problems in all of our laboratories.

Senator BURDICK. There seems to be a trend toward more product development work and less basic research in the corporate world these days. With that in mind, it would seem that the Federal Government is going to have to make a bigger commitment to basic research to make progress on environmental problems.

What is your view of EPA's role there, and what areas in particular do you foresee EPA pursuing?

Mr. BRETTHAUER. I believe that EPA needs to have a fundamental long-term research program, especially in the anticipatory areas of research. I think it is fundamental. It is the underlying, if you will, "seed corn" that feeds all of the rest of the environmental structure.

So I strongly support a long-term basic research program. I believe the budget that we have proposed, the ORD budget proposed as part of the President's fiscal year 1991 submittal, shows a significant increase in long-term research, and I believe succeeding budgets that will be presented to the Congress will show our commitment to further funding of long-term, basic research.

Senator BURDICK. I will now yield to the Senator from the great State of Nevada.

Senator REID. Thank you very much, Mr. Chairman.

Mr. Bretthauer, the Research and Development Office is perceived by some to have too many administrators and too few scientists. Is this a fair comment?

Mr. BRETTHAUER. I believe the comment has some merit. We are currently completing a study, Senator, which looks carefully at the balance of managers and administrators in the Office of Research and Development. Although that report isn't final at this time, it appears that our management and administrative structure is too high. It is an area that we're going to look at very carefully. We are engaging the National Academy of Public Administration in this effort to look at the proper overhead of other successful science organizations, and I think you'll see us addressing that in the very near term by looking at the management overhead of other organizations, establishing a goal, and working toward that, looking at the management and administration systems that we have in the Office of Research and Development to see if they are inordinately manpower-intensive.

I would have to tell you that, based upon my many years in the organization, I think you will see some trimming of administrative overhead over the next years.

Senator REID. Is it difficult to recruit able scientists to work for the EPA?

Mr. BRETTHAUER. In some areas, Senator, it is very difficult to recruit able scientists, depending on the area of expertise. In the area of global climate research, for example, we are having difficulty in finding the right types of skills to lead our Global Climate Research Program. In other areas, such as microbiology, we are also finding difficulty in recruiting scientists.

I would say, however, in the broad area of finding scientists for most of our programs, we are not experiencing a large difficulty.

Senator REID. Should more emphasis be placed on pursuing joint research projects with the private sector?

Mr. BRETTHAUER. I believe it is critically important to engage the private sector in joint research. Better understanding of product lines and problems is critically important to addressing those environmental problems, not only leveraging the science, but I believe we can also better leverage the resources in the private sector to get on with the job of environmental protection.

Senator REID. What about working with university professors, for example?

Mr. BRETTHAUER. I believe that our involvement with the academic sector in general needs to be substantially increased. Senator, over the last two years in the budgets with which I have been involved in preparing, we have tripled our Principal Investigator-Initiated Grants Program from about $10 million in 1988 to over $30 million that is proposed in the President's budget for 1991. All of that money is targeted to the academic sector, involving the university professors in our common quest for better understanding of environmental problems and solutions.

Senator REID. How would you characterize EPA's current efforts at research into the means of preventing pollution?

Mr. BRETTHAUER. I don't think we've done very much at all in this area. As I indicated in my statement, it is an area to which we have to give increasing attention. I believe we can prevent many sources of pollution if we better understand what is going on in the industrial segment, if we have a better sharing of that information early on so we can determine if some of the products coming into our environment are harmful at a very early stage before we try to correct them later on, looking at the toxicity of those products and looking at ways of reducing the volume entering our environment. I think we can make great inroads there, Senator.

Senator REID. A great deal of your career has concentrated on the monitoring aspects of environmental protection. What other areas of research do you believe are important in addition to monitoring?

Mr. BRETTHAUER. In addition to monitoring, I spent three years directing the Office of Environmental Processes and Ecological Effects. I believe that we have underinvested in the area of basic understanding of our ecosystems. We have spent most of our research activities in the environmental area in looking at the effects on human health, and I believe we have neglected looking at how the fundamental ecosystems support human health. We are seeing that more and more in the problems that we face today from acid deposition to global climate. They are basically ecological problems rather than health effects problems.

Senator REID. A recent Science Advisory Board report indicates that they feel that research budgets should be doubled over the next five years. How do you feel about that?

Mr. BRETTHAUER. I believe we need additional resources in research and development. I believe the Federal budget is one way to address it, Senator, and I'm sure you will see us giving a lot of attention and thought to that.

I also believe that we can do very much more than we have in cooperative research with other Federal agencies, leveraging their resources, as well as the private sector.

Senator REID. Mr. Chairman, I have quite a long list of questions. I would ask permission if these could be submitted to the nominee. I see a number of members of the House here, and rather than take time, I would ask that I be able to submit these questions and that they be answered in writing.

Senator BURDICK. Without objection, so ordered. (See p. 21.)

Senator REID. Thank you, Mr. Chairman.

Senator BURDICK. I note that some of the committee members will have additional questions for you, and they will be submitted. I hope you can get your answers back as soon as possible. Once they have been received I will have the opportunity to consult with my distinguished colleague, Senator Chafee, and the committee will proceed to take up the nomination at the earliest opportunity.

Senator REID. Erich, you did a good job. Thanks.

Senator BURDICK. I have for the record a statement from Senator Chafee, as well as questions for which you may submit answers, as part of the record.

[Senator Chafee's statement follows; the questions and responses may be found at p. 32.]

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Mr. Chairman, this is a great day for the EPA. At long last, we have before us the administration's nominee for the one Assistant Administrator position that has remained unfilled under Mr. Reilly. Environmental research and development is an absolutely indispensable component of EPA's work, and I am quite pleased that we are getting on with the job.

Our colleague, Mr. Reid, himself another distinguished son of Nevada, has already extolled Mr. Bretthauer's virtues, but I would like to add a few words this morning by way of welcome.

In my view, we are indeed fortunate that Erich Bretthauer is willing to take on the challenge of running the research and development effort at EPA. Mr. Bretthauer has a long record of solid achievement in the research office at EPA, he is well-published on a number of important issues, and he commands the respect of his colleagues. In short, Mr. Bretthauer brings precisely the background and energy needed to lead the EPA research and development effort at a very important time.

And it is an extremely important position that Mr. Bretthauer will occupy at EPA. Let me illustrate the point by emphasizing one general truth that should be obvious. Our planet has finite resources and capabilities. Unless we can fully understand the environmental effects wrought by man's activities on the planet, we run a grave risk of condemning future generations to significantly degraded lives. EPA's R&D office can lead us to the knowledge we need to behave as responsible stewards of the environment, and that office—and Mr. Bretthauer—deserve our strongest support in their efforts to do so.

More specifically, here in the Congress we find ourselves facing quite difficult choices as we struggle to develop legislation that combines environmental concerns with economic concerns. Solid research and development results can be invaluable to us in our deliberations.

Our current efforts in connection with the Clean Air Act are a good example of the importance of environmental R&D. We are wrestling with a number of issues here, including questions over the adequacy and accuracy of risk assessment in the evaluation of harm from exposure to hazardous air pollutants, the efficacy of control measures for ozone, the effects of acid rain, and the scope of global warming.

Now, we do have some data on each of these questions, but it is safe to say that we remain in great need of answers to a host of basic questions about how the environment works. The R&D office at EPA can provide these answers if given proper support and assistance, and we are counting on you, Mr. Bretthauer, to provide the strong leadership necessary to forge ahead briskly in pursuit of solutions to issues such as these.

Mr. Chairman, I have several questions for Mr. Bretthauer that I will reserve until the appropriate time. Thank you.

Senator BURDICK. I understand that you attended the University of Nevada?

Mr. BRETTHAUER. Yes; I did, in Reno.

Senator BURDICK. Do they have a football team?

Mr. BRETTHAUER. Yes, they have a football team.

Senator BURDICK. Did you play?

Mr. BRETTHAUER. No, I didn't play football, Senator.

Senator BURDICK. You are probably lucky. You don't have a twisted arm like I have.

Thank you very much.

Mr. BRETTHAUER. Thank you.

[Mr. Bretthauer's résumé, responses to additional questions, and a response to a committee questionnaire follow:]

CURRICULUM VITAE

ERICH W. BRETTHAUER

PROFESSIONAL EXPERIENCE

November 1988 to Present. Acting Assistant Administrator, Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. Responsible for the planning, programming, policy implementation, management, direction, and control of the technical and administrative aspects of the Office of Research and Development. The Office of Research and Development is responsible for research, development, and demonstration programs in pollution sources, fate, and health and welfare effects; waste management and utilization technology; environmental sciences; and monitoring systems. The budget for the office is approximately $375 million and the Full-Time personnel ceiling is 1900.

September 1987 to November 1988. Deputy Assistant Administrator, Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. Shared fully with the Assistant Administrator the planning, programming, policy implementation, management, direction, and control of the technical and administrative aspects of the Office of Research and Development.

September 1985 to September 1987. Director, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Las Vegas, Nevada. Directed and managed laboratory programs which support the policy, regulatory, and operational responsibilities of the Agency. The major research and development programs supported by the laboratory include improving and developing monitoring methods, monitoring systems, and quality assurance activities used throughout the nation in support of the air, water, hazardous waste, pesticides, and toxic substances regulatory programs and radiation assessment activities. The budget for the laboratory was $42 million and the Full-Time personnel ceiling was 166.

October 1982 to August 1985. Director, Office of Environmental Processes and Effects Research, U.S. Environmental Protection Agency, Washington, D.C. Directed programs and staff (Headquarters and Six (6) research laboratories in various parts of the U.S.) by developing and implementing research and development

policies in the area of environmental processes and effects. The budget for the Office was over $62 million and the Full-Time personnel ceiling was 540.

June 1981 to October 1982. Professional Staff Assistant (Fellowship continued), U.S. Senate Committee on Environment and Public Works, Washington, D.C. Assisted in development of legislation. This included identification of issues, assisting in development of hearings, and preparation of legislation in regard to nuclear and environmental matters eg., High Level Radioactive Waste Policy Act of 1982.

January 1981 to June 1981. Congressional Fellowship, U.S. Senate, Environment and Public Works Committee, Washington, D.C.

October 1980 to January 1981. Detail to U.S. Radiation Policy Council, Washington, D.C. Evaluated U.S. policy in area of management of nuclear emergencies.

July 1979 to October 1980. Director, Nuclear Radiation Assessment Division, U.S. Environmental Protection Agency, Las Vegas, Nevada. Managed national radiological monitoring programs and an off-site safety program associated with U.S. weapons testing at the Nevada Test Site and the Federal (EPA, DOE, NRC, and HHS) Monitoring Program at Three Mile Island.

May 1978 to July 1979. Director, Monitoring Operations Division, U.S. Environmental Protection Agency, Las Vegas, Nevada. Managed program to develop methods for national and regional air, water, and radiation monitoring and assessment programs.

July 1975 to May 1978. Chief, Methods Development and Analytical Support Branch, U.S. Environmental Protection Agency, Las Vegas, Nevada. Directed research to develop methods to measure pollutants in the environment and managed large analytical chemistry laboratory.

January 1968 to July 1975. Chief, Contact Monitoring Methods Branch, U.S. Environmental Protection Agency, Las Vegas, Nevada. Directed research to develop or improve methods to measure pollutants in the environment.

November 1962 to July 1975. Progressively responsible scientific research positions with the Federal Government (Public Health Service and the Environmental Protection Agency).

January 1960 to November 1962. Chemist (part time while attending Graduate School), University of Nevada, Reno. Responsible for developing methods for measurement of micronutrients in alfalfa.

PUBLICATIONS AND PRESENTATIONS

Authored or co-authored 40 technical papers published in various scientific journals; presented 28 technical papers at national and international meetings; Federal spokesman for all environmental activities associated with the venting of radioactive krypton gas to the environment from the damaged nuclear reactor at Three Mile Island, June-July, 1980. Keynote Speaker, DIOXIN '87-International Symposium on Dioxin.

INTERNATIONAL ACTIVITIES

Member of Delegation negotiating first Environmental Accords between the U.S.A. and the Peoples Republic of China (Washington, D.C. 1983; Beijing 1984).

Member of Delegation negotiating expanded environmental cooperation between the U.S.A. and the U.S.S.R. (Moscow 1987).

Delegation Leader negotiating environmental accords with Poland (Warsaw 1987).

U.S. Chairman of North Atlantic Treaty organization/Committee on the Challenges of Modern Society (NATO/CCMS) Program involving information exchange of Dioxin. (Bereuth, Germany 1985; Las Vegas, NV 1986, Como, Italy 1987, Berlin, Germany 1988).

Project Director for Research Projects with World Health Organization (WHO) 1987-Present.

Project Co-Director IAEA (International Atomic Energy Agency) Program on environmental cycling of radionuclides in the environment, 1973-1978 (Finland, Federal Republic of Germany, Mexico, Phillipines, France and Belgium).

Chairman, International Dioxin Symposium, October 4-7, 1987, Las Vegas, Nevada.

Member U.S. Delegation to the U.S. - Japan Joint High Level Meeting, Tokyo, Japan, October 11-12, 1988.

AWARDS

EPA Gold Medal December 1979, for exceptional performance in directing the emergency radiological monitoring program at Three Mile Island; Accelerated Promotion to Director Grade 1977, U.S. Public Health Service, for sustained exceptional performance; elected to membership in Sigma Xi 1974 for research to measure various environmental pollutants.

EDUCATION

M.S. Chemistry 1962 and B.S. Chemistry 1960, University of Nevada, Reno; Graduate of the Federal Executive Institute, Charlottesville, VA, 1978.

PROFESSIONAL SOCIETIES

American Chemical Society
Sigma Xi
American Water Works Association

PERSONAL

Married, 4 children

PUBLICATIONS

1. W.B. Dye, Erich Bretthauer, H.J. Seim, and Clifton Blincoe: Fluorometric Determination of Selenium in Plants and Animals with 3.3'-Diaminobenzidine. Analytical Chemistry, Vol. 35, No. 11 - 1687-1693, 1963.

2. E.L. Whittaker, E.W. Bretthauer, R.J. Griffin, T.F. Worford, and R.D. Rawson: A Method for Positive Collection of Iodine from Airborne Carbon-Iodine Bonded Compounds. Public Health Service Report (SWRHL-8r) 1964.

3. E.L. Whittaker and E.W. Bretthauer: Sampling Airborne Radioiodine in Organic Compounds. Nuclear Applications, Vol. 2; 55-56, 1966.

4. Erich W. Bretthauer and Stuart C. Black: Polonium-210: Removal from Smoke by Resin Filters. Science Vol. 156, 1375-1376, 1967.

5. Stuart C. Black and Erich W. Bretthauer: Polonium-210 in Tobacco. Radiological Health Data and Reports, Vol. 9, No. 3, 145-152, 1968.

6. A.A. Moghissi, E.W. Bretthauer, M.W. Carter: Monitoring of Tritium Under Emergency Conditions. Rapid Methods for Measuring Radioactivity in the Environment, 263-266. 1971.

7. R.E. Stanley, A.A. Mullen, and E.W. Bretthauer: Transfer of Milk of Ingested Radiolead. Health Physics Pergamon Press, Vol. 21; 211-215, 1971.

8. Stuart C. Black, Erich W. Bretthauer, and David N. McNelis: Radioiodine Studies with Dairy Cows Following Two Plowshare Experiments. Public Health Service Report (SWHRL-85 R), 1971.

9. Erich W. Bretthauer, M.S., Stuart C. Black, Ph.D.,; Richard L. Satterwhite, A.A.; Edward Compton, and A. Alan Moghissi, Ph.D.: An Inhalation Device for Exposing Rats to Cigarette Smoke. Archives of Environmental Health, Vol. 25 - 456-458, 1972.

10. A.A. Moghissi, M.W. Carter, and E.W. Bretthauer: Further Studies on the Long-Term Evaluation of the Biological Half-Life of Tritium. Health Physics Pergamon Press, Vol. 23 - 805-806, 1972.

11. Stuart C. Black, David N. McNelis, and Erich W. Bretthauer: Radionuclide Studies in Dairy Cows Following Project Schooner. Public Health Service Report (SWRHL 112r) 1972.

12. E.W. Bretthauer, A.L. Mullen, and A.A. Moghissi: Milk Transfer Comparisons of Different Chemical Forms of Radioiodine. Health Physics Pergamon Press, Vol. 22-257-260, 1972.

13. C.L. Miller, J.G. Payne, Jr., E.W. Bretthauer, and A.A. Moghissi: Transfer of Plutonium from Milk into Cheese. Health Physics Pergamon Press, Vol. 22 - 563-565, 1972.

14. E.W. Bretthauer, L.H. Holder, P. Lem, A.S. Goldman, G.C. Allison, and A.A. Moghissi: Radioactive Decay Correction Factors. EPA-R4-73-008, 1973.

15. A.A. Moghissi, E.W. Bretthauer, and E.H. Compton: Separation of Water from Biological and Environmental Samples for Tritium Analysis. Analytical Chemistry, Vol. 45 - 1565-1566, 1973.

16. Erich W. Bretthauer, A. Alan Moghissi, Susan S. Snyder, and Neil F. Mathews: Determination of Submicrogram Amounts of Mercury by the Oxygen Bomb Combustion Method. Analytical Chemistry, Vol. 46, No. 3, 445-446, 1974.

17. G.B. Morgan, E.W. Bretthauer, and S.H. Melfi: Global Pollution Monitoring. Instrumentation Technology, 1974.

18. W.F. Beckert, A.A. Moghissi, F.H.F. Au, E.W. Bretthauer, and J.C. McFarlane: Formation of Methylmercury in a Terrestrial Environment. Nature, Vol. 49, 674, 1974.

19. E.W. Bretthauer, G.B. Morgan, and R.E. Jaquish: Standard Reference Material and Environmental Monitoring. Standard Reference Materials and Meaningful Measurements, NBS Special Publication 408, 387-394, 1975.

20. S.C. Black and E.W. Bretthauer: Synergistic Effect of Polonium-210 and Cigarette Smoke in Rats, EPA-680/1-75-001.

21. A.A. Moghissi, E.W. Bretthauer, E.L. Whittaker, and D.N. McNelis: Oxygen Bomb Combustion of Environmental and Biological Samples for Tritium Analysis. International Journal of Applied Radiation and Isotopes, Vol. 26, 339-342, 1975.

22. E.W. Bretthauer and P.B. Hahn: Development of a Reference Method for the Measurement of Plutonium in Soil. Proceedings of the International Conference on Environmental Sensing and Assessment, Vol. 1.

23. Mullen, A.A., E.W. Bretthauer, and R.E. Stanley: Absorption, Distribution, and Milk Secretion of Radionuclides by the Dairy Cow-V, Radiotungsten, Health Phys. 31:5, November 1976.

24. Mullen, A.A., A.A. Moghissi, J.C. Wawerna, B.A. Mitchell, E.W. Bretthauer, and R.E. Stanley: Tritium Retention by Cows and Steers and Transfer to Milk, EPA-600/3-77-076, June 1977.

25. E.W. Bretthauer, A.J. Cummings, and S.C. Black: Characterization of Emissions from Plutonium - Uranium Oxide Fuel Fabrication, EPA-600/7-77-079, July 1977.

26. P.B. Hahn, E.W. Bretthauer, P.B. Altringer, and N.F. Mathews: Fusion Method for the Measurement of Plutonium in Soil: Single Laboratory Evaluation and Interlaboratory Test, EPA-600/7/77-78, July 1977.

27. G.B. Morgan and E. W. Bretthauer: Metals in Bioenvironmental Systems, Analytical Chemistry 49:14, December 1977.

28. E.W. Bretthauer: Overview of the EPA Bioenvironmental Research Program--NAEG Research, NVO-192, June 1978.

29. E.W. Bretthauer: Three Mile Island Nuclear Reactor Accident of March 1979 Environmental Radiation Data, December 1979.

30. E.W. Bretthauer: Long-Term Environmental Radiation Surveillance Plan for Three Mile Island, September 1979,

31. E.W. Bretthauer: Opening address at "Dioxin '87: 7th International Symposium on Chlorinated Dioxin and Related Compounds", October 4-8, 1987, University of Nevada, Las Vegas. Chemosphere Vol. 18, Nos. 1-6, p. 1-5, 1989.

32. E.W. Bretthauer: Workshop chairman for "Dioxin Bioavailability Research: Future Approaches Pondered", Chemical and Engineering News, October 1, 1984, page 18.

33. E.W. Bretthauer: Nuclear Radiation Assessment Division, Environmental Monitoring Systems Laboratory, Las Vegas, Nevada, "Monitoring the Venting at Three Mile Island: Report of Evaluation Workshop", EPA 600/4-85-042, June 1985.

34. E.W. Bretthauer: Project Summary, "Plutonium Burdens in People Living Around the Rocky Flats Plant", EPA 600/54-82-069, March 1983.

35. Kutz, F.W., D.P. Bottimore, E.W. Bretthauer and D.N. McNelis. 1988. International information exchange activities on dioxins. Proceedings of the Seventh International Symposium on Chlorinated Dioxins and Related Compounds, Las Vegas, NV. Chemosphere

36. E.W. Bretthauer: "Report of the Research Planning Workshop on Bioavailability of Dioxins", EPA/600/9-86/004, January 1986.

37. A.A. Moghissi, E.W. Bretthauer, and R.G. Patzer: Biological Concentration of $^{3}H^{*}$ Health Physics, Vol. 53, No. 4, p. 385-388, October, 1987.

38. D.P. Bottimore, F.W. Kutz, E.W. Bretthauer and D.N. McNelis. Availability of International Information Exchange Publications. Proceedings of Symposium Seminar on Prospective Research and Regulatory Issues Involving Dioxins and Relation Compounds. Chemosphere Information and News Section, Vol. 17, No. 11, 1988, page N8.

39. F.W. Kutz, D.P. Bottimore, and E.W. Bretthauer. Prospective Dioxin Research and Regulatory Issues in the United States. Proceedings of Symposium Seminar on Prospective Research and Regulatory Issues Involving Dioxins and Related Compounds. Chemosphere Information and News Section, Vol. 17, No. 11, 1988, page N63.

40. F.W. Kutz, D.P. Bottimore, E.W. Bretthauer, and D.N. McNelis. History and Achievements of the NATO/CCMS Pilot Study on International Information Exchange on Dioxins. Proceedings of Symposium Seminar on Prospective Research and Regulatory Issues Involving Dioxins and Related Compounds. Chemosphere Information and News Section, Vol. 17, No. 11, 1988, page N2.

41. F.W. Kutz, D.P. Bottimore, E.W. Bretthauer, and D.N. McNelis. International Information Exchange Activities on Dioxins. Chemosphere, Vol. 18, Nos.1-6, pp 753-758, 1989.

42. D.P. Bottimore, F.W. Kutz, and E.W. Bretthauer. Accomplishments of the NATO/CCMS Pilot Study on International Information Exchange on Dioxins and Related Compounds. Ecoinforma Conference, Bayreuth, F.R.G., May 16-19, 1989. In Press.

43. F.W. Kutz, D.G. Barnes, D.P. Bottimore, H. Greim and E.W. Bretthauer. The International Toxicity Equivalency Factor (I-TEF) Method for Estimating Risks Associated with Exposures to Complex Mixtures of Dioxins and Related Compounds. Ecoinforma Conference, May 1989. In Press.

44. F.W. Kutz, D.G. Barnes, D.P. Bottimore, H. Greim, and E.W. Bretthauer. The International Toxicity Equivalency Factor (I-TEF) Method of Risk Assessment for Complex Mixtures of Dioxins and Related Compounds. Dioxin '89, September 1989. In Press.

45. F.W. Kutz, D.G. Barnes, D.P. Bottimore, and E.W. Bretthauer. The Toxicity Equivalency Factor (TEF) Method for Estimating Risks Associated with Exposures to Complex Mixtures. Total Human Exposure Conference, Nov. 1989. In Press.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
RESEARCH AND DEVELOPMENT

FEB 26 1990

Honorable Quentin Burdick
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are my responses to the follow-up questions resulting from my confirmation hearing of Thursday, February 22, 1990.

Please let me know if I can furnish additional information.

Sincerely yours,

Erich Bretthauer

Erich W. Bretthauer
Acting Assistant Administrator
for Research and Development

Enclosure

QUESTIONS FROM SENATOR REID

ORD FACILITIES

QUESTION: What measures do you propose to take to ensure that EPA laboratories meet federal and state regulations?

ANSWER: ORD laboratories are mandated by Federal, State, and local regulations to maintain adequate health and safety and environmental compliance programs within their facilities. Each Laboratory Director has the responsibility for identifying deficiencies that may lead to health and safety or environmental compliance problems. In addition, the Environmental Health and Safety Division of the Office of Administration conducts periodic audits to identify potential deficiencies.

The Agency emphasizes critical health and safety and environmental compliance projects in their annual facilities budget process. Funds from the buildings and facilities appropriation are provided on a priority basis to projects having health and safety or environmental compliance implications.

Most of ORD's laboratories are over 20 years old and are beginning to show signs of significant deterioration. While the Agency moves immediately to deal with any issues arising which directly threaten employee health or safety, there is a growing need for general repairs and improvements and to deal with modifications necessary to conduct research. We reported the condition of our facilities as a major internal control deficiency to the President in the Agency's annual report under the Federal Manager's Financial Integrity Act.

Plans are currently being developed to further assess and prioritize these needs so that they can be addressed in forthcoming budget proposals.

CORE RESEARCH FUNDING

QUESTION: Can we seriously contemplate new research initiatives while the core program is so badly underfunded?

ANSWER: While I believe the core program needs to be expanded, certain new research must also be undertaken to address urgent near-term and statutory needs. Development of a balanced program over the next 3 years is my goal.

FUNDING NEEDS

QUESTION: What is your estimate of the funding needed to expand our research programs in pollution prevention, ecological research, and long term research (especially on global problems)?

ANSWER: If confirmed, I would hope to increase substantially the funding in each of these areas cited, whether through internal reprogrammings from areas of completed research, leveraging other federal agency programs as well as the private sector, or from requesting new, additional resources. Specifically for 1991 we are proposing several major enhancements:

- ORD's budget request for pollution prevention increases by over 70% in 1991 for a total of more than $11 million. In a few days we will be providing Congress with a copy of our multi-year pollution prevention research plan.

- Our 1991 budget proposal would substantially increase several areas of ecological research, including research on wetlands, oil spill bioremediation, and the characterization of potential environmental effects of biotechnology. Our largest requested increase for an ecological research initiative (+$5.6 million) is for the Environmental Monitoring and Assessment Program (EMAP). Working with other Federal agencies, EPA will develop means for defining the health of this nation's major ecosystems.

- Further, EPA's global climate program will almost double in 1991 with a proposed increase of $10.6 million. Research will focus on regional effects of global climate change, including monitoring and modeling of air emissions of greenhouse gases.

INTEGRITY OF THE CORE PROGRAM

QUESTION: Is it fair to conclude that the research program is "on the ropes" and that our first priority should be to assure the integrity of the core program?

ANSWER: I would not characterize our current program as "on the ropes". There are, however, some areas that need some additional resources and there are a few areas -- system-level ecological research -- that need to be developed. My number one priority will be the core research program.

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INVOLVING INDUSTRY AND ACADEMIA IN RESEARCH

QUESTION: What specific ideas do you have on the best way to involve the academic community and industry in the development of the research program?

ANSWER: Environmental research is conducted by a diverse group of organizations, including a variety of Federal agencies, state governments, universities, the private sector, and also other countries. EPA must provide national leadership in environmental science, through excellence in our in-house research program and by working with these other groups.

Key features of EPA's research program are investigator-initiated university grants and university centers. We already started to expand the research grants program. Environmental research centers, set up through a competitive process, is another way that we sponsor research at academic institutions, particularly interdisciplinary research. Both academic and industry scientists are regularly included in scientific peer review of our research programs, and on the Agency Science Advisory Board.

In terms of industry, the passage of the Federal Technology Transfer Act of 1986 (FTTA) has made possible a new type of relationship between Federal laboratories and private organizations. The Act removes many of the legal and institutional barriers to collaboration among Federal and private laboratories. In fact, the law encourages joint research and development with the goal of commercialization. Under FTTA cooperative research and development agreements with private firms, EPA laboratories may share technical expertise, facilities, equipment, staff or services. Government laboratories may not provide direct funding to the outside cooperator, although the contractor may provide funds to the government.

I see a number of possible uses for this new authority. In areas where industry will be funding research (e.g., alternative fuels, oil spill clean up technology, indoor air pollution) there will likely be opportunities for joint research. The results may range from closer coordination to actual collaborative research.

COORDINATING RESEARCH PLANNING

QUESTION: Do the various media within EPA have their own research plans? Does this pose a problem of coordination?

ANSWER: The Office of Research and Development is responsible for all research conducted by EPA, but media offices often conduct technical studies or collect technical information for specific program needs. Coordination is essential to ensure that these separate activities do not duplicate or conflict with any research activities and are of high scientific quality. Scientists and engineers from the research office are available to help design these projects and to review and interpret results.

Research that directly supports Agency programs is planned by ORD through standing research committees, which are jointly chaired by senior managers from both the research and media offices.

QUESTION: Do you think we should be looking to industry to help us with the problem of funding environmental research?

ANSWER: EPA is both a regulatory and a science agency, and thus we must be extremely careful to avoid conflicts of interest. Maintenance of the integrity of Agency regulatory action is paramount. I do believe, however, that because private industry is currently funding a large amount of research, there is great potential for leveraging these resources. EPA may be able to help define the scope and nature of their research efforts in ways that gather the information the Agency needs as well as enhance the usefulness of the research to industry.

QUESTION: How would you suggest that we avoid problems where industry wants to see research in one area and EPA wants to see research take another approach?

ANSWER: I don't see industry directing any portion of the EPA research program. Industry scientists already participate in peer review of our research program, and provide scientific and technical advice in specific research areas. Both Industry and EPA frequently have certain areas where each needs more information, e.g., alternative fuels. A research program designed to address both sectors would appear most appropriate.

ORGANIZATIONAL STRUCTURE

QUESTION: There is a view in the research community that the existing research program is just not up to the job of addressing core research needs and addressing the wide array of emerging domestic and global environmental research problems.

There is some discussion of a whole new approach -- the creation of a National Institutes for the Environment, modeled after the very successful National Institutes for Health. Proponents argue that this new structure would --

-- be a bold step forward to address emerging environmental issues,

-- that it would foster a holistic approach to research which would be better able to address issues like ecological interactions and pollution prevention,

-- that it would facilitate the interaction of government, industry and academia in environmental problem solving, and

-- that it could assume an international stature which would make the United States the world leader in environmental research.

-- What is your view of the need to consider new organizational approaches to environmental research?

-- What is your view on the NIH as a model of environmental research?

-- What is your view of the idea of a National Institutes for the Environment?

ANSWER: I believe that we have not adequately addressed the research needed to understand our ecological systems -- a task that is urgently needed to address current and emerging environmental problems like global warming. This research will require a long term commitment by a critical mass of world-class scientists whose research is focused on research areas most relevant to this planet's pressing environmental problems. There are several ways of addressing this need. The concept of a national environmental or ecological institute is one approach. Another approach would be a significantly enhanced and reorganized effort within the Office of

Research and Development. Still another approach might be a consortium of universities. Each approach has both advantages and disadvantages. I believe that each concept should be further developed and discussed with all interested groups to determine the optimal approach.

FUNDING SOURCES FOR ENVIRONMENTAL R&D

QUESTION: Where should we get the funding we need to get started on important environmental R&D projects?

ANSWER: I believe the funding needed to get started on these important programs can be obtained from EPA as well as other sources. For example, the Ecological Monitoring and Assessment Program (EMAP) we began this year is a program proposed and designed by EPA and co-funded with other federal Agencies. The U.S. Forrest Service and NOAA have already committed substantial resources matching EPA's program for their respective ecological interests i.e., forests and coastal waters. We are currently working with other agencies (USGS and Fish & Wildlife, etc.) to participate in this important program.

R&D BUDGET GROWTH

QUESTION: Do you agree with the recommendation that the research budget needs to be doubled over 5 years?

ANSWER: I believe that fiscal resources devoted to environmental research should be doubled over the next 5 years. I do not believe however, that EPA should provide all of that increase. A tremendous potential exists to leverage the other federal agencies and the private sector for these resources and perhaps as importantly, the expertise to address the growing complexity of our common environmental problems.

NEW PROGRAMS AND CORE RESEARCH FUNDING

QUESTION: Would you undertake these new programs (pollution prevention, ecological, and global climate research) if you had to take money away from the core research program?

ANSWER: I view the majority of these initiatives as complimenting core research. For example, adding resources for an ecological monitoring an assessment program will significantly bolster our core program in developing ecological indicators -- a program which has received little attention over the past years.

QUESTIONS FROM SENATOR LIEBERMAN

TOTAL HUMAN EXPOSURE RESEARCH PROGRAM

QUESTION: In the work I have done in the past year on pesticide issues, I have seen again and again that the lack of adequate exposure data limits the Agency's ability to properly determine the risks from a pesticide and the proper way to protect people from these risks.

How will the Total Human Exposure Research Program enable us to collect accurate exposure data?

ANSWER: I believe that exposure assessment is usually the weakest link in our risk assessment process. The Office of Research and Development (ORD) is committed to significantly enhance the current exposure research program with a multimedia approach that will address all potential pathways and routes of exposure. Some of the tools that will be necessary to accomplish this ambitious goal are improved analytical methods, a statistically-designed protocol to collect representative samples, and an enhanced ability to characterize human activity patterns. This enhanced the Total Human Exposure Research Program is currently in its planning phases, where priority is being focused on methodology improvements most sensitive to the risk assessment process.

QUESTION: What is the time table for the Total Human Exposure Research Program?

ANSWER: The research plan for the Total Human Exposure Research Program is being developed with a multidisciplinary approach that involves several research program offices within ORD. As such, the planning process for this effort will include an extensive peer review from the Science Advisory Board (SAB). In addition, input is being solicited from scientists from other Federal agencies and international organizations that have experience in these types of projects. The interfacing with many offices within EPA as well as outside scientists is vital to the success of the program because of the wide range of pollutants and exposure scenarios that will be included in the research. The plan addresses several groups of chemicals including pesticides, metals, hazardous air pollutants and ozone, under many types of situations including indoor air, non-occupational and residential pesticide use, and others.

QUESTION: In the past the Agency has often relied on the agricultural industry and other interested parties for exposure data. How do you propose to ensure that the exposure data collected for the research program is accurate and unbiased?

ANSWER: The accuracy of exposure data is crucial to the risk assessment and decision making requirements of EPA. In general, there are two sources of exposure data for use by Agency programs.

The first and major source is the ORD research program which develops the methodologies to collect and analyze data for use in regulatory decision making. The data collected through ORD's research program are either directly collected by EPA personnel or by its contractors under strict supervision to maintain a high degree of quality control. ORD's exposure field studies undergo extensive peer reviews by outside scientists to review the methodologies used to collect, analyze, and interpret exposure data.

Another source of exposure data that the Agency uses is industry-submitted data. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA), industry can be requested to submit exposure data. Under these legislative mandates industry is required to provide data to show the public health and environmental safety of its products. Industry is required to use data collection and analytical methods developed by ORD to improve the accuracy of the data for Agency use. While it may be impossible to be absolutely certain that data collected through this process is absolutely correct and unbiased; agency standards, protocols, and reviews by scientists familiar with test data, are a large barrier against these concerns.

POLLUTION PREVENTION

QUESTION: What role should the Office of Research and Development (ORD) play in research on pollution prevention techniques?

ANSWER: ORD is responsible for the Agency's pollution prevention research program. Under Administrator Reilly's direction, ORD has developed a comprehensive pollution prevention research program, which is documented in the "Report to Congress - Pollution Prevention Research Plan". This Report was recently approved by OMB for publication. The President's budget for Fiscal Year 1991, requests over $ 11 million dollars for pollution prevention research activities. This is an increase of over 70 percent from FY 90 funding.

ORD is working closely with the academic community, private industry, and Federal, State and local governments to conduct research in a variety of program areas including product, process, recycling/reuse and socioeconomic issues. The goals of ORD's research program in these areas are to: estimate the development and use of products that result in reduced pollution, stimulate the development and implementation of techniques and processes that result in reduced pollution, expand the reusability and recyclability of wastes and products and the demand for recycled materials, identify and promote the implementation of effective nontechnological approaches to pollution prevention, establish a program of research that will anticipate and address future environmental problems and pollution prevention opportunities, and conduct a vigorous technology transfer and technical assistance program that facilitates pollution prevention strategies and technologies.

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ALTERNATIVES TO PESTICIDES

QUESTION: In the pesticides area, pesticides are often allowed on the market because the industry maintains that there is no other way to get rid of the pest. My concern is whether EPA has the knowledge to determine whether industry concerns are valid and to determine what alternatives are available.

ANSWER: The Office of Pesticide Program holds the primary responsibility for determining whether a pesticide performs its intended function without causing unreasonable adverse effects. The Office of Research and Development conducts only limited research on pesticide efficacy and on pesticide alternatives since the Integrated Pest Management (IPM) Program was transferred to the Department of Agriculture in 1983. In the early 1980's, prior to this transfer, we did conduct some research on pesticide alternatives.

At this time, the completeness and scope of EPA's knowledge about pesticide alternatives, which is the responsibility of EPA's pesticide program, is not entirely clear to me. However, because of the recent public concern about food safety, we are exploring opportunities for new EPA research that will enhance the scientific basis for benefits analysis used for the registrations and re-registration process.

QUESTION: Does ORD have the research base which enables it to ask the right questions about industry claims about the lack of alternatives?

ANSWER: The Office of Pesticide Programs assesses industry claims about the lack of alternative pesticides for specific pest control problems. Scientists from the Office of Research and Development serve an advisory role to the pesticide program, and are available to provide scientific review. We are now beginning to examine whether additional information may be required to more fully characterize pesticide alternatives.

QUESTION: What role can ORD play in researching alternative practices which would prevent the introduction of pollution, such as dangerous pesticides, into the environment?

ANSWER: ORD is supporting research on alternatives to pesticides under its emerging pollution prevention program. For example, we are working closely with the Office of Pesticide Programs and the U.S. Department of Agriculture to evaluate the pollution prevention benefits related to using alternatives for control of the corn root worm and weeds. ORD will conduct ecological assessments and provide technical assistance.

QUESTIONS FROM SENATOR CHAFEE

ALM REPORT

QUESTION: Do you agree with the Alm Report that a dramatic infusion of money is needed to fuel EPA R&D over the next few years? How would you rank R&D needs in order of priority on the assumption that unlimited money is not available? (Please address basic research and applied research separately as you draw up your priority list.).

ANSWER: I believe that fiscal resources devoted to environmental research should be doubled over the next five years. I do not believe, however, that EPA should provide all of that increase. A tremendous potential exists to leverage the other federal agencies and the private sector for those resources and perhaps as importantly, the expertise to address the growing complexity of our common environmental problems.

My number one general priority is the continued development of a core research program so that in 2-3 years we will have a balanced program providing important information to get ahead of -- avoid -- or mitigate current and emerging environmental problems as well as address those urgent near-term research needs.

Over the next three years, I envision the research priorities as follows:

1. Put in place a truly interagency national ecological monitoring program. This program will require a mix of fundamental and applied research to understand our basic ecological processes.

2. Global change effects research program. This program coordinated closely with the base ecological research and monitoring program will provide information on a regional basis as the ecological effort from climate change consists of both fundamental and applied research.

3. Improvement of Exposure Assessment Methodology, this is primarily applied research.

4. Significant fundamental and applied research on processes which offer the potential for significant (order of magnitude) improvements to correcting existing and emerging environmental problems i.e., bioremediation.

5. Enhancement of health effects research especially potential neurotoxicity, reproductive effects.

QUESTION: 1. After years of effort and controversy, EPA and the Army Corps of Engineers recently signed a Memorandum of Agreement (MOA) on wetlands mitigation. In order to offset environmental losses, this agreement requires one-for-one functional replacement of wetlands. Given this requirement and the fact that many Section 404 permits require compensatory mitigation in the form of restoration or creation of wetland habitats, I am interested in what type of wetlands restoration research EPA is involved with.

I am familiar with the Des Plains River Wetlands Demonstration Project (see attached article) and understand that EPA is involved with that effort. I am very much interested in the results of that research--specifically, new information regarding the technology necessary to create wetlands and the value of restored wetland habitats. What other types of applied research regarding restoration, creation and monitoring of wetlands is planned or underway at EPA?

ANSWER: The EPA wetland research program is designed around the key components needed to implement mitigation under a no-net loss policy. The ultimate goal of our research is to develop regionalized criteria for wetlands creation and restoration. There are three major research elements. First, design of a mitigation tracking and accounting system that can help set geographic priorities for mitigation projects. This system will help keep track of where wetland losses are occurring and where wetland mitigation is occurring. Second, is the development of standards for wetland construction and restoration. This element will identify the best methods (i.e., what plants to use, landscape position, hydrologic regime, etc.) for increasing the success of mitigation efforts. The third element is development of standard methods to monitor and evaluate the success of specific projects. The approach uses a comparison between natural wetlands to created wetlands. Wetland restoration efforts currently rely on measurements of wetland structural characteristics. Future research is directed to better measures of functional attributes of wetlands.

The overall goal of EPA's involvement in the Des Plains River Wetlands Demonstration Project is to develop design principles needed to create wetlands for water quality improvement. For example, we will test the effect of various hydrologic loadings on water quality functions. EPA has recently met with the principle investigators of the project to revise the workplan for the EPA portion of this project, and preliminary results will be available next summer.

ABILITY TO ASSESS PROGRESS OF CLEAN-UP

QUESTION: What is the current state of EPA's ability to assess the rate of progress (or lack of progress) in the Nation's ongoing effort to clean up our surface waters, or our air, or to pinpoint the results of those efforts with respect to specific natural resources such as the Chesapeake Bay? In your view, does EPA have sufficient baseline data to allow these kinds of progress reports to be made with confidence? If not, how would you propose to address the situation?

ANSWER: The Agency's ability to quantify with confidence the rate at which surface water and air quality are chemically improving or degrading in response to regulatory decisions varies significantly by site, state, and region, and when evaluating populated versus relatively unpopulated areas. As a result, a common baseline chemistry data base from which progress can be confidently and consistently measured is not available in the United States. Data bases are also lacking for documenting the adequacy of our regulatory policies as measured by the biological response of our natural resources to those policies. The Chesapeake Bay is an exception, however, as considerable research, and monitoring, have been conducted in and around the Bay.

The Office of Research and Development has taken significant action to improve this situation. We are undertaking a national ecological monitoring program to fill this void. Designed as an interagency effort to monitor the condition of the nation's natural resources, the Agency's Environmental Monitoring and Assessment Program has as its primary objective the development of a baseline data base from which changes and trends in response to regulatory and resource management strategies can be confidently documented. This program will be piloted this summer in the estuaries of the mid-Atlantic states, jointly with the National Oceanic and Atmospheric Administration, and in the forests of New England, jointly with the U.S. Department of Agriculture Forest Service.

The benefits to be derived from this program include the following:

- a quantitative evaluation of the adequacy of current policies to protect natural resources;

- o data to more objectively target research resources to the most significant problems as determined from a highly quality-assured, consistent data base;
- o detection of emergency problems before they become widespread; and
- o verification of resource response models to enhance our ability to predict future changes to our national resources under alternative risk management strategies.

AVOIDING DUPLICATION OF EFFORT

QUESTION: As we look at the government's efforts in the area of environmental research and development, it would appear that there are a welter of agencies with potentially overlapping missions. EPA, NOAA, NSF, and a host of others are involved in the effort. Could you advise us whether, in your view, there is unnecessary duplication of effort in environmental R & D, and if so, how that duplication could be minimized?

ANSWER: We are confronted with a situation where Federally sponsored environmental research is being accomplished by many agencies, yet significant gaps remain. Thus two major issues are pertinent, coordination of existing effort and prompting effort to fill the important gaps. I alluded to these two needs in outlining EPA's role in working with all major elements in the public and private sectors. Coordination of existing programs and research abilities within the Federal family is essential and ORD is actively involved in those processes now in regard to monitoring of ecological systems, climate change, acid deposition and other significant areas. This is not to say that we could not do much better. I strongly believe there remains a tremendous potential to further coordinate and leverage environmental research not only between EPA, NOAA and NSF but more importantly the much broader federal research community, i.e., DOE, USDA, and HHS. I believe that EPA is in a unique position to leverage all of this research because of its overarching mission in protecting our environment.

METHODS AND RESULTS OF RISK AND EXPOSURE ASSESSMENTS

QUESTION: Are you satisfied with the current methods and results of the risk and exposure assessments being conducted by EPA and its contractors? What suggestions do you have for improving our ability to conduct meaningful risk assessments and for communicating clearly the results of such assessments?

ANSWER: I believe that the risk assessments currently conducted by EPA and its contractors make the best possible use of currently available information. However, because we must frequently rely on extrapolating health effects in humans from laboratory studies of animal populations or from epidemiologic studies, and in estimating dose levels from ambient monitoring and modeling, many risk assessments are necessarily fraught with uncertainties. EPA has been working for several years to develop and revise Risk Assessment Guidelines to improve the risk assessment process. I believe that we are on the right track and have made a lot of progress but we have a long way to go.

A major initiative under our core research program is the Human Exposure Monitoring and Assessment project. This project is devoted to finding better methods to estimate human exposure to pollutants, recognizing the variability in exposure information available to EPA programs.

ORD has also made a strong commitment to improving the utility of risk assessments through the Research to Improve Health Risk Assessments (RIHRA) program. RIHRA is a systematic and integrated approach that will provide critical data on the relationship between exposure (applied dose), internal dose to the target tissue (delivered dose), and associated health effects. The program emphasizes research that will improve our understanding of basic biological mechanisms, especially as they relate to our ability to extrapolate from one set of circumstances (e.g., animals exposed to long term, low concentrations) to another (e.g., humans exposed to long-term, low concentrations). By conducting research on key areas such as integrated exposure assessment and biologically based dose-response models, I believe ORD can make an important contribution in making quantitative risk assessment a more useful tool.

We also recognize the need to improve the way we communicate findings from risk assessments, both within EPA and to the public. Several Agency-wide efforts are underway -- the Risk Assessment Council (RAC) and the Risk Assessment Forum (RAF) -- which address, in part, risk characterization and commurication issues. Specifically, an effort is underway within the RAC to develop more consistency in the way EPA programs characterize risks.

NIH MODEL

QUESTION: Do you believe that a National Institutes for the Environment modeled along the lines of the National Institutes of Health would be able to make a material contribution to the environmental R & D effort? If so, could you provide us with some guidance on how such an Institute should be organized and funded?

ANSWER: I believe that we have not adequately addressed the research needed to understand our ecological systems -- a task that is urgently needed to address emerging environmental problems like global warming. This research will require a long term commitment by a critical mass of world-class scientists whose research is focused on research areas most relevant to this planet's pressing environmental problems. There are several ways of addressing this need. The concept of a national environmental or ecological institute is one approach. Another approach would be a enhanced and reorganized effort within the Office of Research and Development. Still another approach might be a consortium of universities. Each approach has both advantages and disadvantages. I believe that each concept should be further developed and discussed with all interested sector to determine the optimal path.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Bretthauer (Last) Erich (First) Walter (Middle)

Position to which nominated: Assistant Administrator for Research and Development

Date of Nomination: _____

Date of birth: 12/09/37 (Day) (Month) (Year) Place of birth: Denver, CO

Marital status: married Full name of spouse: Sharlene Marie Bretthauer

Name and ages of children:

Terrance R. Magee	30 yrs.	9/15/59
Anthony O. Magee	27 yrs.	3/3/62
Heidi M. Bretthauer	20 yrs.	2/13/69
Erich W. Bretthauer II	16 yrs.	7/3/73

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Univ. of Nevada-Reno	9/60-9/62	MS	1962
Univ. of Nevada-Reno	9/55-1/60	BS	1960

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

See attached

CURRICULUM VITAE

ERICH W. BRETTHAUER

PROFESSIONAL EXPERIENCE

November 1988 to Present. Acting Assistant Administrator, Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. Responsible for the planning, programming, policy implementation, management, direction, and control of the technical and administrative aspects of the Office of Research and Development. The Office of Research and Development is responsible for research, development, and demonstration programs in pollution sources, fate, and health and welfare effects; waste management and utilization technology; environmental sciences; and monitoring systems. The budget for the office is approximately $375 million and the Full-Time personnel ceiling is 1900.

September 1987 to November 1988. Deputy Assistant Administrator, Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. Shared fully with the Assistant Administrator the planning, programming, policy implementation, management, direction, and control of the technical and administrative aspects of the Office of Research and Development.

September 1985 to September 1987. Director, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Las Vegas, Nevada. Directed and managed laboratory programs which support the policy, regulatory, and operational responsibilities of the Agency. The major research and development programs supported by the laboratory include improving and developing monitoring methods, monitoring systems, and quality assurance activities used throughout the nation in support of the air, water, hazardous waste, pesticides, and toxic substances regulatory programs and radiation assessment activities. The budget for the laboratory was $42 million and the Full-Time personnel ceiling was 166.

October 1982 to August 1985. Director, Office of Environmental Processes and Effects Research, U.S. Environmental Protection Agency, Washington, D.C. Directed programs and staff (Headquarters and Six (6) research laboratories in various parts of the U.S.) by developing and implementing research and development

policies in the area of environmental processes and effects. The budget for the Office was over $62 million and the Full-Time personnel ceiling was 540.

June 1981 to October 1982. Professional Staff Assistant (Fellowship continued), U.S. Senate Committee on Environment and Public Works, Washington, D.C. Assisted in development of legislation. This included identification of issues, assisting in development of hearings, and preparation of legislation in regard to nuclear and environmental matters eg., High Level Radioactive Waste Policy Act of 1982.

January 1981 to June 1981. Congressional Fellowship, U.S. Senate, Environment and Public Works Committee, Washington, D.C.

October 1980 to January 1981. Detail to U.S. Radiation Policy Council, Washington, D.C. Evaluated U.S. policy in area of management of nuclear emergencies.

July 1979 to October 1980. Director, Nuclear Radiation Assessment Division, U.S. Environmental Protection Agency, Las Vegas, Nevada. Managed national radiological monitoring programs and an off-site safety program associated with U.S. weapons testing at the Nevada Test Site and the Federal (EPA, DOE, NRC, and HHS) Monitoring Program at Three Mile Island.

May 1978 to July 1979. Director, Monitoring Operations Division, U.S. Environmental Protection Agency, Las Vegas, Nevada. Managed program to develop methods for national and regional air, water, and radiation monitoring and assessment programs.

July 1975 to May 1978. Chief, Methods Development and Analytical Support Branch, U.S. Environmental Protection Agency, Las Vegas, Nevada. Directed research to develop methods to measure pollutants in the environment and managed large analytical chemistry laboratory.

January 1968 to July 1975. Chief, Contact Monitoring Methods Branch, U.S. Environmental Protection Agency, Las Vegas, Nevada. Directed research to develop or improve methods to measure pollutants in the environment.

November 1962 to July 1975. Progressively responsible scientific research positions with the Federal Government (Public Health Service and the Environmental Protection Agency).

January 1960 to November 1962. Chemist (part time while attending Graduate School), University of Nevada, Reno. Responsible for developing methods for measurement of micronutrients in alfalfa.

Employment record—Continued

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

- EPA Gold Medal for directing the Agency's Emergency Monitoring and outreach program at Three-Mile Island
- Accelerated promotion to Captain (Navy Rank) in the U.S. Public Health Service for exemplary performance.

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
American Chemical Society	Member	60-Present
Sigma Xi	Member	68-Present
American Water Works Assoc.	Member	82-Present

Qualifications: State fully your qualifications to serve in the position to which you have been named.

See attached

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

See attached

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

Only as shown in response to question 1 above.

3. Has anybody made a commitment to you for a job after you leave government?

no

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

NA

Qualifications:

I believe I am well qualified for the position.

First, my scientific background. I have spent nearly all of my professional career (nearly 26 years) in environmental research. I have published extensively and am well known in the environmental research community both nationally and internationally.

Second, I have a proven record as an outstanding science manager. I have held progressively responsible science management positions within the Office of Research and Development from a bench scientist through five levels of science management. To date, I hold the highest level career position in the organization serving as Deputy Assistant Administrator and for the past year, as Acting Assistant Administrator.

Third, I understand the importance of research and the increasing criticality of a sound research base for obtaining future environmental progress.

Fourth, I have a proven track record of working effectively with the scientific community, nationally and internationally, with industry, with the Administration and with the Congress.

Fifth, I have a vision for the organization. A vision which I believe will result in EPA becoming a premier science agency.

Future employment relationships:

I am a Director, President, and principal shareholder in Bryce Meadows Development Corp. The Corp owns building lots in Kane County, Utah. I intend to resign both positions upon confirmation. I intend, however, to retain my stock ownership.

I am a Director and President in Lions Head Corp. The Corp owns grazing land in Kane and Garfield Counties in Utah. I intend to resign these positions upon confirmation. I intend, however, to retain my stock ownership.

I am a Director and Principal shareholder in Heidi Investment Corp. The Corp owns vacant investment acreage in San Pete County, Utah. I intend to resign this position upon confirmation. I intend, however, to retain my stock ownership.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

no

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

NA

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

See attached

3. Are any assets pledged? (Add schedule).

Yes, note secured by Deed of Trust (a "pledged asset") to CSC Financial Services

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

No. Income tax return for 1989 not yet filed. All returns other than 1989 filed.

Financial Statement:

I intend to receive income from the 3 corporations referred to under "Future Employment Relationships" (item 1):

- Bryce Meadows Development Corp. - income from previous and potential sale of real estate. Income expected to be 10-30K/year.

- Lions Head Corp. - income from grazing fees. Income expected to be less than 2K/year

- Heidi Investment Corp. - income from previous sale of real estate estimated to be less than 5K/year except for 1992 when it is expected to be approximately 55K.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

I would discuss any potential or appearance of a conflict of interest with the Agency Ethics Officer and take immediate appropriate action to remove any potential conflict or an appearance of a conflict of interest.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I am familiar with all applicable conflict of interest laws and regulations applicable to the position and will carefully abide with those laws and regulations.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

None

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

See attached

PUBLICATIONS

1. W.B. Dye, Erich Bretthauer, H.J. Seim, and Clifton Blincoe: Fluorometric Determination of Selenium in Plants and Animals with 3.3'-Diaminobenzidine. Analytical Chemistry, Vol. 35, No. 11 - 1687-1693, 1963.

2. E.L. Whittaker, E.W. Bretthauer, R.J. Griffin, T.F. Worford, and R.D. Rawson: A Method for Positive Collection of Iodine from Airborne Carbon-Iodine Bonded Compounds. Public Health Service Report (SWRHL-8r) 1964.

3. E.L. Whittaker and E.W. Bretthauer: Sampling Airborne Radioiodine in Organic Compounds. Nuclear Applications, Vol. 2; 55-56, 1966.

4. Erich W. Bretthauer and Stuart C. Black: Polonium-210: Removal from Smoke by Resin Filters. Science Vol. 156, 1375-1376, 1967.

5. Stuart C. Black and Erich W. Bretthauer: Polonium-210 in Tobacco. Radiological Health Data and Reports, Vol. 9, No. 3, 145-152, 1968.

6. A.A. Moghissi, E.W. Bretthauer, M.W. Carter: Monitoring of Tritium Under Emergency Conditions. Rapid Methods for Measuring Radioactivity in the Environment, 263-266. 1971.

7. R.E. Stanley, A.A. Mullen, and E.W. Bretthauer: Transfer of Milk of Ingested Radiolead. Health Physics Pergamon Press, Vol. 21; 211-215, 1971.

8. Stuart C. Black, Erich W. Bretthauer, and David N. McNelis: Radioiodine Studies with Dairy Cows Following Two Plowshare Experiments. Public Health Service Report (SWHRL-85 R), 1971.

9. Erich W. Bretthauer, M.S., Stuart C. Black, Ph.D.,; Richard L. Satterwhite, A.A.; Edward Compton, and A. Alan Moghissi, Ph.D.: An Inhalation Device for Exposing Rats to Cigarette Smoke. Archives of Environmental Health, Vol. 25 - 456-458, 1972.

10. A.A. Moghissi, M.W. Carter, and E.W. Bretthauer: Further Studies on the Long-Term Evaluation of the Biological Half-Life of Tritium. Health Physics Pergamon Press, Vol. 23 - 805-806, 1972.

11. Stuart C. Black, David N. McNelis, and Erich W. Bretthauer: Radionuclide Studies in Dairy Cows Following Project Schooner. Public Health Service Report (SWRHL 112r) 1972.

12. E.W. Bretthauer, A.L. Mullen, and A.A. Moghissi: Milk Transfer Comparisons of Different Chemical Forms of Radioiodine. Health Physics Pergamon Press, Vol. 22-257-260, 1972.

13. C.L. Miller, J.G. Payne, Jr., E.W. Bretthauer, and A.A. Moghissi: Transfer of Plutonium from Milk into Cheese. Health Physics Pergamon Press, Vol. 22 - 563-565, 1972.

14. E.W. Bretthauer, L.H. Holder, P. Lem, A.S. Goldman, G.C. Allison, and A.A. Moghissi: Radioactive Decay Correction Factors. EPA-R4-73-008, 1973.

15. A.A. Moghissi, E.W. Bretthauer, and E.H. Compton: Separation of Water from Biological and Environmental Samples for Tritium Analysis. Analytical Chemistry, Vol. 45 - 1565-1566, 1973.

16. Erich W. Bretthauer, A. Alan Moghissi, Susan S. Snyder, and Neil F. Mathews: Determination of Submicrogram Amounts of Mercury by the Oxygen Bomb Combustion Method. Analytical Chemistry, Vol. 46, No. 3, 445-446, 1974.

17. G.B. Morgan, E.W. Bretthauer, and S.H. Melfi: Global Pollution Monitoring. Instrumentation Technology, 1974.

18. W.F. Beckert, A.A. Moghissi, F.H.F. Au, E.W. Bretthauer, and J.C. McFarlane: Formation of Methylmercury in a Terrestrial Environment. Nature, Vol. 49, 674, 1974.

19. E.W. Bretthauer, G.B. Morgan, and R.E. Jaquish: Standard Reference Material and Environmental Monitoring. Standard Reference Materials and Meaningful Measurements, NBS Special Publication 408, 387-394, 1975.

20. S.C. Black and E.W. Bretthauer: Synergistic Effect of Polonium-210 and Cigarette Smoke in Rats, EPA-680/1-75-001.

21. A.A. Moghissi, E.W. Bretthauer, E.L. Whittaker, and D.N. McNelis: Oxygen Bomb Combustion of Environmental and Biological Samples for Tritium Analysis. International Journal of Applied Radiation and Isotopes, Vol. 26, 339-342, 1975.

22. E.W. Bretthauer and P.B. Hahn: Development of a Reference Method for the Measurement of Plutonium in Soil. Proceedings of the International Conference on Environmental Sensing and Assessment, Vol. 1.

23. Mullen, A.A., E.W. Bretthauer, and R.E. Stanley: Absorption, Distribution, and Milk Secretion of Radionuclides by the Dairy Cow-V, Radiotungsten, Health Phys. 31:5, November 1976.

24. Mullen, A.A., A.A. Moghissi, J.C. Wawerna, B.A. Mitchell, E.W. Bretthauer, and R.E. Stanley: Tritium Retention by Cows and Steers and Transfer to Milk, EPA-600/3-77-076, June 1977.

25. E.W. Bretthauer, A.J. Cummings, and S.C. Black: Characterization of Emissions from Plutonium - Uranium Oxide Fuel Fabrication, EPA-600/7-77-079, July 1977.

26. P.B. Hahn, E.W. Bretthauer, P.B. Altringer, and N.F. Mathews: Fusion Method for the Measurement of Plutonium in Soil: Single Laboratory Evaluation and Interlaboratory Test, EPA-600/7/77-78, July 1977.

27. G.B. Morgan and E. W. Bretthauer: Metals in Bioenvironmental Systems, Analytical Chemistry 49:14, December 1977.

28. E.W. Bretthauer: Overview of the EPA Bioenvironmental Research Program--NAEG Research, NVO-192, June 1978.

29. E.W. Bretthauer: Three Mile Island Nuclear Reactor Accident of March 1979 Environmental Radiation Data, December 1979.

30. E.W. Bretthauer: Long-Term Environmental Radiation Surveillance Plan for Three Mile Island, September 1979,

31. E.W. Bretthauer: Opening address at "Dioxin '87: 7th International Symposium on Chlorinated Dioxin and Related Compounds", October 4-8, 1987, University of Nevada, Las Vegas. Chemosphere Vol. 18, Nos. 1-6, p. 1-5, 1989.

32. E.W. Bretthauer: Workshop chairman for "Dioxin Bioavailability Research: Future Approaches Pondered", Chemical and Engineering News, October 1, 1984, page 18.

33. E.W. Bretthauer: Nuclear Radiation Assessment Division, Environmental Monitoring Systems Laboratory, Las Vegas, Nevada, "Monitoring the Venting at Three Mile Island: Report of Evaluation Workshop", EPA 600/4-85-042, June 1985.

34. E.W. Bretthauer: Project Summary, "Plutonium Burdens in People Living Around the Rocky Flats Plant", EPA 600/54-82-069, March 1983.

35. Kutz, F.W., D.P. Bottimore, E.W. Bretthauer and D.N. McNelis. 1988. International information exchange activities on dioxins. Proceedings of the Seventh International Symposium on Chlorinated Dioxins and Related Compounds, Las Vegas, NV. Chemosphere

36. E.W. Bretthauer: "Report of the Research Planning Workshop on Bioavailability of Dioxins", EPA/600/9-86/004, January 1986.

37. A.A. Moghissi, E.W. Bretthauer, and R.G. Patzer: Biological Concentration of $^{3}H^{*}$ Health Physics, Vol. 53, No. 4, p. 385-388, October, 1987.

38. D.P. Bottimore, F.W. Kutz, E.W. Bretthauer and D.N. McNelis. Availability of International Information Exchange Publications. Proceedings of Symposium Seminar on Prospective Research and Regulatory Issues Involving Dioxins and Relation Compounds. Chemosphere Information and News Section, Vol. 17, No. 11, 1988, page N8.

39. F.W. Kutz, D.P. Bottimore, and E.W. Bretthauer. Prospective Dioxin Research and Regulatory Issues in the United States. Proceedings of Symposium Seminar on Prospective Research and Regulatory Issues Involving Dioxins and Related Compounds. Chemosphere Information and News Section, Vol. 17, No. 11, 1988, page N63.

40. F.W. Kutz, D.P. Bottimore, E.W. Bretthauer, and D.N. McNelis. History and Achievements of the NATO/CCMS Pilot Study on International Information Exchange on Dioxins. Proceedings of Symposium Seminar on Prospective Research and Regulatory Issues Involving Dioxins and Related Compounds. Chemosphere Information and News Section, Vol. 17, No. 11, 1988, page N2.

41. F.W. Kutz, D.P. Bottimore, E.W. Bretthauer, and D.N. McNelis. International Information Exchange Activities on Dioxins. Chemosphere, Vol. 18, Nos.1-6, pp 753-758, 1989.

42. D.P. Bottimore, F.W. Kutz, and E.W. Bretthauer. Accomplishments of the NATO/CCMS Pilot Study on International Information Exchange on Dioxins and Related Compounds. Ecoinforma Conference, Bayreuth, F.R.G., May 16-19, 1989. In Press.

43. F.W. Kutz, D.G. Barnes, D.P. Bottimore, H. Greim and E.W. Bretthauer. The International Toxicity Equivalency Factor (I-TEF) Method for Estimating Risks Associated with Exposures to Complex Mixtures of Dioxins and Related Compounds. Ecoinforma Conference, May 1989. In Press.

44. F.W. Kutz, D.G. Barnes, D.P. Bottimore, H. Greim, and E.W. Bretthauer. The International Toxicity Equivalency Factor (I-TEF) Method of Risk Assessment for Complex Mixtures of Dioxins and Related Compounds. Dioxin '89, September 1989. In Press.

45. F.W. Kutz, D.G. Barnes, D.P. Bottimore, and E.W. Bretthauer. The Toxicity Equivalency Factor (TEF) Method for Estimating Risks Associated with Exposures to Complex Mixtures. Total Human Exposure Conference, Nov. 1989. In Press.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

NO

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

None

AFFIDAVIT

Erich Bretthauer) ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Erich Bretthauer

Subscribed and sworn before me this 6th day of February, 1990.

My Commission Expires March 14, 1994

Notary Public

Senator BURDICK. Our next nominees will be Jacqueline Phillips and Hilda Gay Legg.

Jacqueline Phillips and Hilda Gay Legg have been nominated to be Federal Cochairman and Alternate Federal Cochairman, respectively, of the Appalachian Regional Commission, a unique Federal-State partnership established in 1965. I distinctly remember the efforts of our former colleagues and members of this committee, Senators Jennings Randolph, John Sherman Cooper, and Howard Baker, in working to make possible the continued success of the Appalachian Regional Commission.

In the past decade this agency has fallen upon lean times. For eight successive years the Administration has proposed its elimination. Funding has been continued by the appropriations committees of the House and the Senate. The proposed fiscal year 1991 budget, however, contains funding for the Appalachian Regional Commission of $50 million. While much less than the current fiscal year 1990 appropriation of $147 million, this is an encouraging sign to the 13 States comprising the Appalachian region.

I welcome to the committee this morning Mrs. Jacqueline Phillips and her family, and Mrs. Hilda Legg. I have had the pleasure of meeting with both of you and I look forward to hearing your testimony.

I would also like to note that at the hearing this morning will be the Honorable Mitch McConnell and the Honorable Harold Rogers.

I will now recognize the Honorable Constance Morella.

Ms. MORELLA. Mr. Chairman, I would like to defer to my colleague, who is the ranking member on the Appropriations subcommittee that is going to be meeting imminently, if that would be all right?

Senator BURDICK. Any way you wish.

Ms. MORELLA. Thank you.

STATEMENT OF HON. HAROLD ROGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. ROGERS. Mr. Chairman, thank you very much, and I want to thank my colleague, Connie Morella, for very graciously allowing me to go first this morning. I have been notified that the Appropriations subcommittee on which I am the ranking member is taking up a hearing at this moment, so, Mr. Chairman, I will deliver my remarks on behalf of Hilda Legg, as well as Jackie Phillips, and then beg permission to depart for the House side.

Mr. Chairman, the Appalachian Regional Commission is not devoted to programs, projects, or plain cash for the development of Appalachia. The ARC is for people, the rural family that needs clean running water; the unemployed coal miner, waiting for a factory to come to town and offer him a job so that he can properly support his wife and children; the young adult that can neither read nor write, and as such, cannot help but to impoverish himself.

This prime mission of the ARC, to help people, brings me to enthusiastically recommend Senatorial confirmation of my friend and constituent, Hilda Gay Legg, so that she may become the Alternate Federal Cochairman of the Appalachian Regional Commission.

More than anything else, Hilda Legg has distinguished herself in her service to people. As a school teacher, as an instructor and Director of Admissions at an Appalachian college, as a field representative for the mountain regions represented by one of your colleagues, the Honorable Mitch McConnell, as the head of one agency in the U.S. Department of Education, Hilda Legg has immersed herself in service to people. Not only has she been a dedicated public servant, Hilda is a true daughter of Appalachia, and she has sought throughout her career to improve the lot of Appalachian people.

If the ARC is to succeed in its goal to improve the Appalachian way of life, then the Commission needs people like Hilda Legg who possess both the compassion for her fellow Appalachians, and the intellect and knowledge and moral wherewithal to translate compassion into prudent and effective projects and policies.

With that in mind, the President can scarcely nominate, and the Senate can scarcely confirm, a more qualified candidate for second in command at the Appalachian Regional Commission than Hilda Gay Legg of Adair County, Kentucky.

Mr. Chairman, again I want to thank you for giving me this opportunity to speak on behalf of a long-time associate of mine and a great friend, and I think she will make a great cochairman of this agency.

Let me thank my colleague, Connie Morella, again for allowing me so graciously to go first this morning.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you. Ms. Morella.

STATEMENT OF HON. CONSTANCE A. MORELLA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Ms. MORELLA. Thank you, Mr. Chairman. I always defer to my colleague. He is on Appropriations, and you know how important that is to all of us.

It is a great pleasure for me to be here today at the confirmation hearing of not only a constituent, Jackie Phillips, but someone I have known personally and can list as a dear friend for over 20 years. So I do know Jackie and I do know something about her background and her ability to work with people.

As you know, Mr. Chairman, she was actually nominated as the Federal Cochair of the Appalachian Regional Commission in October of last year, and she has served in that capacity pending this confirmation hearing. As one of the senior level appointees in the Bush Administration she has been a leader in economic and social development of the Appalachian region. For seven years she has served as the Alternate Federal Cochairman of the ARC, and that, of course, is added to her list through the years as a community leader and a community activist.

She has had a major role in shaping the policies that affect more than 20 million residents of the 13 Appalachian States. During her tenure on the ARC she has particularly concentrated on human resource programs, and especially in trying to combat illiteracy in Appalachia, which we know is so critically important.

She certainly brings to this position the 20 years' service that she has had in Government, consulting, coalition-building, education matters, and community matters. She is somebody who comes together as being competent, conscientious, committed, and compassionate. Who could ask for more in a person to be the Federal Cochairman of the Appalachian Regional Commission? In the words of Shakespeare, "The force of her own merit makes her way."

I hope that she will have a favorable hearing, and I thank you for the opportunity to be here.

Senator BURDICK. Thank you.

Senator Mitch McConnell.

STATEMENT OF HON. MITCH McCONNELL, U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator MCCONNELL. Thank you, Mr. Chairman. I appreciate the opportunity to be here on behalf of one of my favorite constituents, Hilda Legg, who has been nominated by the President for this position.

Hilda worked on my staff in Kentucky for two and a half years. I had a chance to observe her performance first-hand. I wanted to be here today to provide as glowing a recommendation as I possibly could for a truly outstanding Kentuckian.

I have known Hilda for many years. I have watched her perform in a variety of different positions, in business, in academics and in politics, and I think the President simply could not have found a more outstanding person for this position. So I just want to congratulate Hilda on the nomination and hope that the committee will act with dispatch to provide this outstanding individual for the Administration.

And I thank you, Mr. Chairman, for the opportunity to be here.

Senator BURDICK. Thank you.

We will now hear from the principals.

Ms. Jacqueline Phillips, you are on.

STATEMENT OF JACQUELINE L. PHILLIPS, NOMINATED TO BE FEDERAL COCHAIRMAN, APPALACHIAN REGIONAL COMMISSION

Ms. PHILLIPS. Thank you for acknowledging my family, Senator. They are the light of my life.

I am delighted to be here today. I want to thank Congresswoman Morella. I think that Congresswoman Bentley will be coming shortly. May I interrupt what I am saying when she gets here? Thank you.

I last appeared before this committee seven years ago when I was nominated to be Alternate Federal Cochairman. I believe that during those years I have become uniquely prepared to be the Commission's Federal Cochairman. I know from the inside how the Commission works. I know the projects that ARC funds, and I know those who make the ARC program work to help the people of Appalachia. Perhaps most important, I have met the folks at the grass roots level—the mayors, the county councilmen and women, the Chamber of Commerce presidents, the school teachers, the businessmen and businesswomen, and many, many others who work with the ARC program and local communities. I have met the gov-

ernors and their staffs, the people who work all the time with ARC.

I have brought to my job as Alternate Federal Cochairman years of experience in building coalitions to support community, State, and national service institutions through my extensive work in philanthropic and political organizations. I designed and implemented programs, projects, and budgets for these organizations. I developed public and private support for them.

As Alternate Federal Cochairman of ARC, I directed those skills toward the work of a Government agency that is relatively small in size but large in its mission to strengthen economic opportunities for the 20 million people of the Appalachian region. For example, one of my most rewarding experiences during these years has been to help establish a program to help reduce the high rate of adult illiteracy that handicaps Appalachia's development. The projects funded during these years give vital support to dedicated volunteers who work one-on-one with people who want to learn to read.

ARC has also pioneered bringing literacy training to the workplace. As a prime example of institution-building, I have helped the expansion of private industry's ability and willingness to establish on the job literacy training.

When I assumed the duties of Acting Federal Cochairman in November, one of my first actions was to pay a call on the Office of Management and Budget. I asked OMB to submit a budget request for the Appalachian Regional Commission for fiscal year 1991. Mr. Chairman, you are aware of the outcome. For the first time in eight years, ARC has a mark in this Administration's budget.

Let me admit right up front that I take real pride in accomplishing what everyone else thought was impossible. But of course, there is something much more important than that about this budget request. I believe it represents the Administration's recognition that serious problems still plague many of our Nation's rural areas, and also the Bush Administration's willingness to reach out and help solve those problems.

Mr. Chairman, the door now stands open for progress. At least for fiscal year 1991, the Administration will watch what ARC does and how its programs impact on an important area of America, Appalachia's non-farm rural economy.

While I am grateful that the Bush Administration has acknowledged the continuing need for ARC, I also recognize the continuing pressure on Congress and on the Administration to contain spending and closely target available resources. Whatever the level of appropriation for ARC in fiscal year 1991, my primary goal as Federal Cochairman will be to provide the good stewardship that Congress and the Administration expect.

Beyond that, I see a number of critical remaining needs in Appalachia. Briefly summarized, five of them are:

One, transportation. Since 1965, Congress and the Appalachian States have placed top priority on building a modern highway system. There is no question, these highways bring new jobs. Studies have amply demonstrated that. I believe nothing will produce more improvement in Appalachia's ability to compete than to complete those critical segments of the Appalachian Development Highway that are so vital to the region's economy.

Number two, education, my most immediate concern. The dropout rate in many Appalachian is more than one and a half times higher than the national rate. Appalachia still lags far behind the Nation in adult literacy and in the number of young people going to college. I will see that ARC continues to work in literacy training, dropout reduction, vocational training, upgrading of equipment, and supporting of education improvement efforts whenever and wherever we can.

Number three unemployment. In West Virginia and the Appalachian portions of eight other States, unemployment is still higher than the national rate. Many counties have unemployment rates one and a half times higher or more, and since 1980 West Virginia and the Appalachian portions of seven other States have experienced net migration losses as people leave the region.

ARC continues to address unemployment by helping local municipalities to provide small business loans and build water and sewer systems and access roads to help local industry grow and make space for new industry to develop.

Number four, infant mortality. While the region's infant mortality has dropped to almost equal the national rate, there are still Appalachian counties where the rate is more than twice as high as the Nation. We know how to bring those rates down, through outreach and better nutrition. Though we have had several ongoing activities in the area, many counties still need us at ARC to support and start up projects to defeat that awful scourge in so many parts of our country.

Number five, distressed counties. About 90 Appalachian counties are among the worst off in the Nation in poverty, per capita income, and unemployment. ARC funds make a critical difference when, for example, in a community needs an adequate water or sewer system so that its children can have clean drinking water.

The Commission also continues to explore new ways to fulfill the mission in Appalachia. Last November, for example, ARC sponsored a conference on the aquaculture industry. The conference was addressed by 40 of the Nation's top aquaculture experts, and we had more than 300 participants. That meeting was a first step toward building a base from which to help this growing industry reach its potential in Appalachia.

In the months ahead we will hold at least two more important meetings to examine the potential of other industries. All of our States will participate in a workshop on tourism in West Virginia this spring. I look forward to working with Senator Byrd on this project. It is something he has especially wanted us to work on, and we are happy to do that. We have also scheduled a region-wide furniture industry workshop in Mississippi this fall.

This will be an especially exciting year for ARC. It is the Commission's 25th birthday, and we are planning two special projects to mark this anniversary.

One of my concerns is future leadership. To address that concern, we are now working with our States on a project to develop the leadership capability of the region's youth through internships in community service. One goal is to put in place programs that will be self-perpetuating.

A long-range goal is to develop this great resource, our youth, and persuade them that there are exciting opportunities for service and leadership right in our own back yard, that they don't need to leave home to find challenges that will engage their energies and commitment.

As part of ARC's anniversary celebration, we will also be taking a hard look at the status and needs of the region's children through a comprehensive research study.

Mr. Chairman, that concludes my statement. It has been an honor and a privilege for me to appear before you today. I will be happy to answer any questions you may have.

Senator BURDICK. Congresswoman Bentley was unable to be here today, her statement will be included in the record.

[The statement referred to follows:]

STATEMENT OF HON. HELEN D. BENTLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman, and distinguished Members of the Senate Environment and Public Works Committee:

It is my great pleasure to introduce to you today President Bush's nominee to be the Federal Co-Chairman of the Appalachian Regional Commission, Jacqueline Phillips.

The Appalachian Regional Commission is a vital Federal agency that exists to promote and foster the economic and social development of the Appalachian region.

For the past seven years Ms. Phillips has been a driving force in the work of the Commission, serving as Alternate Federal Co-Chairman during the Administration of President Reagan.

Recognizing the importance of the Commission and the work it does in the Appalachian Region, President Bush asked Ms. Phillips to continue her many years of service to this agency by serving as its head.

During her seven years as Alternate Federal Co-Chairman, Ms. Phillips has devoted much time and energy to the human resource programs of the Commission, and in particular on literacy programs.

I am very pleased that President Bush has recognized the many years of service that Ms. Phillips has dedicated to the Appalacian Regional Commission in the number two position at that agency, and I am especially pleased that Ms. Phillips is the President's choice to run the Commission in his Administration.

It is with great pleasure that I introduce to the committee someone whose work I have admired for many years, and someone whom I have had the pleasure of calling a friend for many years, Ms. Jacqueline Phillips.

Senator BURDICK. We will hear now from Hilda Gay Legg.

STATEMENT OF HILDA GAY LEGG, NOMINATED TO BE ALTERNATE FEDERAL COCHAIRMAN, APPALACHIAN REGIONAL COMMISSION

Ms. LEGG. Thank you, Mr. Chairman. I would also like to state my appreciation to Senator McConnell and Congressman Rogers for their appearances on my behalf today. It is very exciting being here with you.

I am very pleased to appear before you to be considered for the position of Alternate Federal Cochairman of the Appalachian Regional Commission.

I am first and foremost an Appalachian. I have lived most of my life on farms in Adair County, Kentucky, so I have had an opportunity to see first-hand the problems of the Appalachian Region and the work the Commission has done to alleviate these problems.

I see my job at ARC as a welcome opportunity to help the Region I love and the many people who make the Region a good place to live, no matter what its problems.

This will not be my first Government position. From 1981 through 1983 I served as Acting Executive Director of the National Council on the Handicapped in the U.S. Department of Education here in Washington. My responsibilities covered a full range of program and policy planning, as well as management duties, relating to the education and rehabilitation of the handicapped. My other Government experience includes serving as a field representative for Senator McConnell from 1985 to 1987. I managed the Senator's South Central Kentucky field office and served as his liaison with 26 counties, developing issues and dealing with constituent's problems.

These experiences have provided me with insights into the way Government can and should relate to the everyday concerns of citizens, especially in rural areas. My primary area of interest, however, is education. I have devoted most of my professional life to teaching, first at the secondary level in the Adair County public schools and, more recently, at Lindsey Wilson College in Columbia, Kentucky, where I have been an instructor in the Department of Sociology and Social Work.

I also served for a year as the college's Director of Admissions. During that time one of my responsibilities was to recruit students, and that job gave me an opportunity to judge the quality of public education and to observe first-hand the barriers that economic disadvantage places between children and adequate education.

I have also observed the impact of an education improvement program that ARC has supported in eastern Kentucky. It is called "Forward in the Fifth," referring to the Fifth Congressional District. It is a grass roots movement, springing from the determination of local people to raise education levels, and thus to improve economic well-being in the district. This non-profit organization has raised more than $700,000 and funded some 250 projects aimed at education improvement. Projects to improve school attendance have resulted in an increase of more than $1 million in additional revenues to schools in the district.

A learning skills project has already been credited with dramatically raising students' test scores and college attendance rates. Other projects have included teacher incentive awards and cultural activities to broaden students' horizons.

I use "Forward in the Fifth" as an example of what can be done, not because it is the right answer for every school district, but because it demonstrates that our schools' problems are not insoluble. With community commitment and energy they can be solved, but no amount of money will solve them without that commitment.

Beyond education, my goal as Alternate Federal Cochairman of the Commission will be to support the creation of opportunities for young Appalachians to find satisfying careers in their own communities. Too often in the past we have seen our brightest and most ambitious youngsters receive their diplomas one day, and the next day depart for points north or south where jobs are said to be more plentiful. It will take jobs to keep them in Appalachia, but those jobs cannot be created in a vacuum. That is why I support ARC

programs, such as the highway system, job-related training, youth leadership, and other community improvements that the Commission has undertaken in order to build a base for economic growth and job creation. Without these jobs we will never break the cycle of dependency that is often the fate of the economically disadvantaged.

So, Mr. Chairman, I see my job as an opportunity to be a good steward of human resources. Appalachia has these resources in abundance, but she cannot afford to waste them.

I look forward to this challenging assignment, and I would be happy to answer any questions that you may have.

Thank you.

Senator BURDICK. Thank you.

Before we go to questions, I note that Senator Wendell Ford has submitted a statement and asked that it be made a part of the hearing record.

[Senator Ford's statement follows:]

STATEMENT OF HON. WENDELL H. FORD, U.S. SENATOR FROM THE STATE OF KENTUCKY

I am very happy to give my support to the nomination of Hilda Gay Legg for Alternate Federal Co-Chairman of the Appalachian Regional Commission.

The nominee and I are both native Kentuckians. I know that Ms. Legg understands the importance of economic development programs that have been carried out by the Commission for many years in Kentucky and other states. I believe that she is highly qualified to help carry these programs into the future as the second-ranking staff member of this time-tested organization.

Ms. Legg's extensive background in education will be a particularly valuable asset to the Commission in its efforts to develop the great human potential of our region. She has been a middle and secondary school teacher and also a college teacher and administrator in the Appalachian region of our state. She already is demonstrating valuable leadership in ARC programs to reduce school dropout rates and to make better use of the resources of small colleges in public-improvement programs in Appalachia.

Ms. Legg possesses other very important qualifications for this vital post. Her nomination clearly deserves bipartisan support, Mr. Chairman, and it is my hope that this nomination will be confirmed without delay.

Senator BURDICK. Senator Gordon Humphrey has submitted questions for the ARC nominees, to be answered for the record. (See p. 89.)

Also, a statement for the record from former Senator Charles Mathias.

[Mr. Mathias' statement follows:]

STATEMENT OF HON. CHARLES MATHIAS, FORMER U.S. SENATOR FROM THE STATE OF MARYLAND

It is a matter of regret that it is impossible for me to be present and introduce Jacqueline Phillips in person, but I would like to say a few words about her.

Not only is Ms. Phillips unusually well-qualified for this position by virtue of her prior experience with the Commission; she also has the benefit of years of diligent and productive work for innumerable community service organizations and institutions. She brings to every job great intelligence and insight, an abiding sense of concern for other people, and, by no means least important, a splendid sense of humor.

Senator BURDICK. I am going to ask these questions of both of you, and you may answer as you wish.

Do either of you have any economic interests or any employment responsibilities that would put you in a position of being in a conflict of interest if you are confirmed in these positions?

Ms. PHILLIPS. No.

28-903 O - 90 - 3

Ms. LEGG. No.

Senator BURDICK. If you are asked to appear as a witness before this or any other committee of the House or the Senate, are you willing to appear?

Ms. PHILLIPS. Yes.

Ms. LEGG. Yes.

Senator BURDICK. Mrs. Phillips, I note with interest that the statement that you have just given has been changed from the one submitted to this committee two days ago. Comments in your original statement, stating your views on the importance of completing the Appalachian Highway System, have been deleted, and your statement that you expect the Administration to address its completion in the National Transportation Policy, expected shortly, has been deleted. Is there any explanation for this?

Ms. PHILLIPS. I think it's a better idea to make sure the Administration's policy on highways comes out before I make any statement in that context.

Senator BURDICK. Mrs. Phillips, you have had seven years' experience at ARC. Do you perceive the most critical problems of the region to be similar to those of seven years ago, or have priorities shifted?

Ms. PHILLIPS. Well, we are continuing with the priorities of the distressed counties. There has been a shift in emphasis, for example, toward a more literate workforce and away from some of the traditionl brick and mortor projects. We no longer build buildings like we used to. We now are more concerned with the human infrastructure, that is, a literate workforce, adult literacy, job creation, skills training, and reduced infant mortality. We are concerned with environmental problems, basic health, and all kinds of job creation.

Senator BURDICK. Is the money requested for the ARC by the Administration sufficient to address the two special projects you mentioned in your statement, Mrs. Phillips?

Ms. PHILLIPS. I think the money from the Administration is sufficient to keep programs going while the Administration looks at the critical needs of the Nation as it continues its ongoing assessment of needs across the land so we can put money where it is most needed.

Senator BURDICK. Well, do you think the funding levels for the Appalachian area are adequate for the time being?

Ms. PHILLIPS. I think we can keep the existing programs going, with some help for some new programs. We certainly won't be able to do much more than that.

Senator BURDICK. In other words, your answer is that this money will be sufficient to keep the program going?

Ms. PHILLIPS. Yes, to keep the doors open.

Senator BURDICK. Mrs. Legg, you intend to concentrate on education and job programs?

Ms. LEGG. Yes, sir.

Senator BURDICK. Do you have any ideas for new initiatives for the ARC programs in these areas?

Ms. LEGG. We have made great strides in adult literacy, but we are constantly reevaluating that program and are looking at some new avenues to pursue in that area.

Also, one of the bright spots in Appalachia has been the local colleges. Research indicates that they have not been utilized as much as they could have in serving as a link in the community for developing adult leadership and youth leadership skills. So one aspect that I'm going to be looking at specifically is the community college system and what we at ARC might be able to do to emphasize and accentuate the role the colleges play in educating not only our young people, but the adults as well.

Senator BURDICK. I note that some of the committee members may have additional questions to submit to you in a few days. We ask that those responses be returned to the committee promptly. Once they have been received and after I have had the opportunity to consult with my distinguished colleague, Senator Chafee, the committee will proceed to take up the nominations at the earliest opportunity.

Ms. PHILLIPS. Thank you, Senator.

Ms. LEGG. Thank you.

Senator BURDICK. At this time I ask unanimous consent that the statements from Senator Symms and Senator Chafee be made a part of the record at this point.

[The statements of Senator Chafee and Senator Symms follow:]

STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Mr. Chairman, I want to join with you in welcoming Jacqueline Phillips and Hilda Legg to the Committee today.

Mrs. Phillips has already been confirmed by this Committee and the Senate in 1982 when she was nominated by President Reagan as the Alternate Federal Co-Chairman. She has served in that capacity for seven years. During that time Mrs. Phillips has had extensive experience with the programs administered through the Appalachian Regional Commission (ARC), and comes well prepared to direct the Commission's work now as Federal Co-Chairman.

I have some ongoing concerns about the long-term role of the ARC. However, as long as it is Congress' decision to continue the Commission, I believe ARC deserves strong leadership. I support the President's nomination of both Mrs. Phillips and Mrs. Legg.

Mrs. Legg brings to the Commission a strong background in education and administrative experience. I believe she will make a significant contribution to the Commission as well. I hope the Committee Members will join me in supporting the President's nominees for the Appalachian Regional Commission, and act quickly to confirm their nominations.

I look forward to working with Mrs. Phillips and Mrs. Legg, and discussing with them the future direction of the Commission.

STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Mr. Chairman, I am very pleased that the Committee has chosen to hear testimony from Jackie Phillips and Hilda Legg this morning. Jackie is President Bush's nominee for the position of Federal Co-Chairman of the Appalachian Regional Commission, and Hilda has been nominated as Alternate Co-Chairman.

Jackie has worked for the Appalachian Regional Commission since 1982, and as the second ranking administration official at the Commission, she has played a key role in shaping policies that affect more than 20 million residents of the 12 Appalachian states. One of her priorities has been to initiate programs to combat adult illiteracy through local volunteer organizations. She brings to the position a long record of experience and involvement with local civic groups and organizations striving to increase opportunities and improve community life.

Hilda has devoted much of her life towards the advancement of education in the Appalachian Region, and is currently an instructor of Sociology at Lindsey Wilson College in Columbia, Kentucky. A native of Appalachia, she brings to the position a rare insight into the culture and problems unique to the area.

I have previously had the opportunity to meet both of these nominees, and believe they bring with them a vast array of knowledge and experience to the Commission. I look foward to working with both of you, and commend you on your appointments.

Senator BURDICK. If there is no further business, the committee stands in adjournment.

[Whereupon, at 11:05 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Responses to additional questions and committee questionaires follow:]

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Phillips (Last) (Mary) Jacqueline (First) Loehler (Middle)

Position to which nominated: Federal Co-Chairman

Date of Nomination: 9/6/89

Date of birth: 6 10 35 (Day) (Month) (Year)

Place of birth: Washington, D.C.

Marital status: Divorced

Full name of spouse:

Name and ages of children:

Charles F. Phillips	32
Pamela P. Cleary	29
Katheryn S. Phillips	26
Thomas A. Phillips, III	24

Education:

Institution	Dates attended	Degrees received	Dates of degrees
James Madison	1953-1954		
University of Maryland	1954-1956		
Harvard University	Summer Course August, 1987		

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Substitute Teacher - Montgomery County Public Schools (1959)
850 Hungerford Road, Rockville, Maryland

Alternate Federal Co-Chairman - Appalachian Regional Commission
1666 Connecticut Ave. N.W., Washington, D.C. 9/82 to present

Employment record—Continued

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Springbrook High School PTA at White Oak Jr. High Westover Elementary	Various Comm.	1975 to 1982
Greater Colesville Citizen's Assn.	President - 1975	1970 to present
Pi Beta Phi Sorority	Comm. Chairman	1955
See Page 1 of Attachment		

Qualifications: State fully your qualifications to serve in the position to which you have been named.

Served as Alternate Federal Co-Chairman which is Deputy to this position for the past seven years.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

N/A

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No

3. Has anybody made a commitment to you for a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

None

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Currently serving as PAS

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are any assets pledged? (Add schedule).

Yes - Mortgage on house
Auto Loan
Co-Signer for daughter on auto loan

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Joint return with former husband audited many years ago - to my knowledge no discrepancies disclosed.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

N/A

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I fully intend to comply with all applicable conflict of interest laws and regulations.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

1984 - $1,000 to Reagan/Bush Victory '84 Committee in Maryland

All other political contributions were lesser amounts.

See attachment, pages 2 thru 5.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

A chapter in a Campaign Management School book.

Written numerous articles covering a wide variety of subject matter such as; campaign organization, recruiting candidates, and membership recruitment. These were distributed to the membership of the National Federation of Republican Women.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No - I believe this questionnaire is thorough and yields adequate information.

AFFIDAVIT

Jacqueline L Phillips) ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Jacqueline L Phillips

Subscribed and sworn before me this 7th day of SEPTEMBER, 1989.

Notary Public

ATTACHMENT

Jacqueline L. Phillips
S.S.#577-52-9108

COMMUNITY ACTIVITIES - SILVER SPRING, MONTGOMERY COUNTY, MARYLAND, U.S.A.

1975 President of Greater Colesville Citizens Association

Serves 1700 homes

Testified at Hearings

Research Zoning Applications

Published Newsletter

Conducted community hearings

PTA

Served on Boards at three schools for 12 years

Including: Discipline Committee Chairman at Jr.High

Human Relations Committee for Sr. High

1978-1979 Legislative Committee of Montgomery County Civic Federation

1977-1978 Library Board Member for White Oak Public Library

1972-1976 Parent Education Program

Community and Church sponsored program to help poverty level mothers achieve independence, learn skills, health habits, etc.

Low Income Family Assistance Program

Wolf Trap Fund Raising Committee

Girl Scout Leader - 5 years

Cub Scout Leader - 2 years

Support activities for various Little League Teams

Collection for charities i.e. cancer

Support activities for girls and boys school sports

Church and community committees for special events and activities.

VOLUNTEER POLITICAL ACTIVITIES

1988	Bush/Quayle Campaign Consultant to Congresswoman Helen D. Bentley, Bush Campaign Chairman
1986	Chairman, Advisory Committee to Linda Chavez for U.S. Senate Campaign in Maryland.
1984	Director of Coalitions Maryland Reagan/Bush Committee Campaign Activities Chairman National Federation of Republican Women. Workshops on Campaign Management throughout the country with women candidates.
1983-1984	Faculty of NFRW Campaign Management School specializing in club development and campaign techniques, organizations and volunteers. Speeches on "Gender Gap".
1982	Program Consultant, National Federation of Republican Women, National Board Meeting
1981-1982	Campaign Activities Chairman, National Federation of Republican Women
1981	Program Consultant for National Federation of Republican Women. Included responsibilities for development and implementation of programs, traffic patterns, coordinating and presentations.
1981	Baltimore City Task Force Appointed by State Chairman to plan and expedite ways to increase Republican candidates and voters in Baltimore Public Relations for Republican Party in Baltimore
1981	Public Relations and Promotion For National Federation of Republican Womens' Campaign Management School in Washington, D.C. Increased attendance by 200%.
1980-1981	Reagan/Bush Inaugural Committee Vice-President's Reception Vice-Chairman for Hostesses/Volunteers

Jacqueline L. Phillips
S.S.#577-52-9108

1980 Reagan/Bush Presidential Campaign

Served as Deputy Executive Director of Reagan/Bush Campaign for Maryland.

Organized and coordinated professionals, veterans, Democrats, women, blacks, ethnics, senior citizens, etc.

Fulfilled surrogate speaking engagements for Maryland Reagan/Bush Campaign.

Formed Maryland Reagan/Bush Executive Steering Committee including all aspects of Maryland political philosophy.

Planned and implemented special projects such as leadership meetings across the state.

Served as liaison between Maryland Reagan/Bush Committee and various fractions of Maryland politics

1980 Alternate and then appointed Delegate to 1980

Republican National Convention.

1980 George Bush Primary Campaign

Political field director for Maryland.

Organized 23 county campaign structures.

Scheduled, coordinated and advanced events for George Bush's campaign swing.

Supervised and recruited volunteers.

Organized and directed delegate race for Republican National Convention. Won half of delegate slots in Maryland.

1980 Assistant Regional Director from Republican National Committee for fund raising in Maryland.

1979-1981 Membership Chairman for Maryland Federation of Republican Women. Presented techniques for gaining new members to groups across state. Designed and wrote membership brochure for MFRW. Coordinated statewide distribution.

1978-1979 Campaign Activities Chairman for Maryland Federation of Republican Women

Chairman of "Campaign 1980 Workshop."

Organized and implemented workshops or methods and procedures in local campaigns at regional meetings throughout the state.

Acted as consultant in many local campaigns.

Administered reporting procedures, to fulfill National Federation of Republican Women's request for hours and money donations by members in 1978 campaign.

Organized statewide campaign school for all potential candidates and campaign managers. It included appointed and elected officials discussing campaign tactics.

1978 Assistant Campaign Director and Field Coordinator "Glenn Beall for Governor Campaign"

Developed organization in 23 counties.

Organized and participated in regional campaign schools for strategy and campaign methods.

Coordinated and provided day-to-day liaison with Glenn Beall's county chairman.

Supervision and administration of campaign at county and precinct level.

Planned and coordinated the design, ordering and

distribution of all campaign literature.

Planned and implemented budget for field operation. Budget came within guidelines.

Counseled with campaign director in all phases of campaign strategy.

Interviewed and recruited key personnel for state office for Gubernatorial Campaign.

Coordinated fund raising.

Problem solver for state and county campaign organizations.

1977 Program Chairman, Maryland Federation of Republican Women

Planned and implemented all phases of State Federation Conventions

Contacted speakers

Planned programs.

Introduced speakers, etc.

1976 Co-Chairman to re-elect Glenn Beall to Senate Campaign, Montgomery County

Located, contacted, furnished state and county headquarters.

Interviewed and recruited key volunteers and staff.

Developed special interest group mailings.

Coordinated statewide meetings.

Developed county organizations.

Fielded troublesome calls.

Supervised support staff.

1974 Primary Campaign Chairman for Winning County Council Slate

Jacqueline L. Phillips
S.S. #577-52-9108

1974 — Administrative Assistant to James Gleason - Candidate for County Executive

Administered all phases of campaign activities.

Supervised county-wide volunteers.

Assisted with budget.

Reported to candidate on all logistical matters.

1970-1979 — Montgomery County Federation of Republican Women

Program Chairman - 2 years

By-laws Committee - 2 years

Fund Raisers

Numerous committees

Special projects

Club Delegate to Conventions

1970-1979 — Colesville Republican Women's Club

President 1973 and 1974

Served on Board in almost every capacity

Montgomery County Central Committee

Speakers Bureau 1977

Research Committee 1975-1978

Precinct Chairman

Neighbor-to-Neighbor Fund Raising

Registration Chairman

Special Projects

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: LEGG (Last) HILDA (First) GAY (Middle)

Position to which nominated: Alternate Federal Co-Chairman Appalachian Regional Commission

Date of Nomination: 10-4-89

Date of birth: 10 7 52 (Day) (Month) (Year) Place of birth: Campbellsville, Taylor County, KY

Marital status: Married Full name of spouse: Larry Freeborn Legg

Name and ages of children:

Shane Freeborn Legg (stepson)	27
Briann Legg Giles (stepdaughter)	24

Education

Institution	Dates attended	Degrees received	Dates of degrees
Western Kentucky University	5/76 - 8/79	Masters of Art	8/79
Campbellsville College	8/73 - 8/74	Bachelor of Science	8/74
Lindsey Wilson College	1/70 - 8/71	Associate of Arts	8/71

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Faculty Instructor, Lindsey Wilson College, Columbia, KY, 8/88 - present
Full time instructor in Sociology and Social Work.
Director of Admissions, Lindsey Wilson College, Columbia, Ky 7/87-8/88
Responsible for total recruiting and marketing program. Record enrollment.
Field Representative, U.S. Senator Mitch McConnell, Bowling Green, KY 1/85-
Liaison for Senator McConnell to constituents in 26 counties.
Dealt with constituentrequest, issues, projects and public relations.
Field Representative, Reagan/Bush Campaign of Kentucky, Somerset, KY 3/84-1
Organized individual county campaign strategies and served as
primary contact with the state campaign headquarters.

Employment record—Continued

Acting ~~Executive Director~~, National Council on the Handicapped, U.S. Department of Education, Washington, D.C. 8/81 - 9/83
Responsibilities included program and policy oversight, planning, legislative review and public relations.

Classroom ~~Teacher, Adair County Public Schools~~, Columbia, KY 8/74 - 5/81
Taught social science coursework at the secondary level with an emphasis ~~on interpersonal relationships~~, self awareness and social responsibility.

Honors and awards — List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Young Career Woman, Columbia Business and Professional Women

Merit Service Award, National Council on the Handicapped

Outstanding Young Woman of America

Memberships — List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Business and Professional Women	2nd Vice	79-81
Columbia Chamber of Commerce		79-81
Lindsey Wilson College Alumni Assoc.	Sec'y, Vice Chair	79 - ??
Columbia Cares Organization	Board Member	79
Republican Party of Kentucky	Secretary	84 - present
Federation of Republican Women	Committee Chair	88- present

Qualifications: State fully your qualifications to serve in the position to which you have been named.

Having been reared and educated in rural Kentucky, the norms values and lifestyles of the people in Applachia are a part of me. I am accutely aware of the need for intense economic development to help keep the youth of Appalachia at home, as well as, provide the basic opportunities to all the residents.

My teaching and administrative experience, in both secondary public and higher private education, has given me valuable insight into the specific needs in education. Presently, I teach at a college where over 70% of our student body is first generatio college students. I am committed to the task of improving both educational opportunities and jobs for Applachia through greater development of the region.

My formal education includes an undergraduate degree in Sociolo and a graduate degree in Fducation Counseling. I have work experience in the social service field and a working knowledge of many of the programs available to the region. (conti)*

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I will not maintain any working relationship with Lindsey Wilson College as an employee.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

I have no plans to become re-employed with Lindsey Wilson College.

3. Has anybody made a commitment to you for a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

Yes

*Qual. Conti. Coupled with my previous experience working in Washington, I believe I'm qualified for the position of Alternate Federal CoChairman of the Applachian Regional Commission.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

NO

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

I left the Schedule C position of Special Assistant to the Secretary of OSERS, to accept the Schedule A (non-schedule C position) position as the Acting Executive Director of the National Council on the Handicapped early in 1982.

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are any assets pledged? (Add schedule).

No

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

NO

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

My immediate family is not involved in any endeavor which would benefit from the federal government. Should any situation arise which even suggest the appearance of any conflict of interest, I would recuse myself from the situation.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

520 acre farming operation, Milltown, KY

Certificate of Deposit, Bank of Columbia, Columbia, KY

Individual Retirement Account, Bank of Columbia

Zero Coupon Bond, Edward D. Jones & Co. Bowling Green, KY

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

Our farming operation participates in government programs, including, the Agriculture Stablization and Conservation Service, Soil Conservation Service and the Tobacco Program.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

I would recuse myself.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

N/A

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Republican Party of Kentucky 1988, 1989 $1,000 per yr.

Secretary, Republican Party of Kentucky 1986 to present

Bush for President, 5th District Steering Committee, 1988

Bush County Chairman, Adair County Kentucky, 1988

Republican National Committee Registration Program, 1984

Reagan/Bush for President Kentucky Campaign, Field Rep. 1984

McConnell Senate Campaign, 1984

Kentucky Federation of Republican Women, state and local, 1980-1989

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

NONE

Additional Matters

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

NONE

2. Do you agree to appear before all Congressional Committees which seek your testimony?

YES

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

NONE

AFFIDAVIT

Hilda Gay Hess, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Hilda Gay Hess

Subscribed and sworn before me this 7th day of June, 1994.

Notary Public

NOTARY PUBLIC
DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES APRIL 14, 1994

HILDA GAY LEGG

P. O. Box 60
Milltown, Kentucky 42761

Home (502) 384-5586
Office (502) 384-2126

EXPERIENCE

TEACHING

1988 - Present: **Instructor, Sociology/Social Work**, Lindsey Wilson College, Columbia, Kentucky. Lindsey is a small, private church related, baccalaureate degree granting college located in rural, south central Kentucky with a total enrollment of 1060 students. Coursework taught includes Sociology, Social Problems, Introduction to Human Services, Human Services Administration and Social Work Practicum I and II.

1974 - 1981: **Classroom Teacher**, Adair County Public Schools, Columbia, Kentucky. Secondary level. Courses taught included History, Government, Psychology, Sociology and Social Issues. Special emphasis placed on interpersonal relationships, self-awareness and social responsibility.

ADMINISTRATION

1987 - 1988: **Director of Admissions**, Lindsey Wilson College, Columbia, Kentucky.
Responsible for marketing and management of an aggressive admissions program which produced an increase in new student enrollment of 15.3% with additional revenues in excess of $200,000. Personally recruited students, supervised staff and progressive direct mail program as well as liaison to all other components of the college campus.

1985 - 1987: **Field Representative** for United States Senator Mitch McConnell, Bowling Green, Kentucky.
Responsible for the office and field management of the South Central Kentucky Senate Field Office. Served as the Senator's representative to 26 counties as well as the county's liaison to the Senator. Issues, constituent service and public relations were the priorities.

1981 - 1983: **Acting Executive Director**, National Council on the Handicapped, U. S. Department of Education, Washington, D. C.
Responsibilities included program and policy oversight and planning, legislative issues and

public relations. Advised the Council regarding statutory mandates and policy decisions primarily in the areas of education and rehabilitation of the handicapped. Managed the Washington based office.

ADDITIONAL Employment Trainer, In Schools Youth Project, Adair County Public Schools

Sale Representative, World Book Encyclopedia

Homemaker Project Director/Caseworker, Kentucky Department of Child Welfare

EDUCATION

Western Kentucky University, Bowling Green, Kentucky
Master of Arts in Education, Counseling, 3.7 CUM GPA

Campbellsville College, Campbellsville, Kentucky
Bachelor of Science, Cum Laude, Sociology

Additional Educational Experience:
Western Kentucky University
Philosophy in Education, Spring 1984
Research in Guidance Counseling, Spring 1985

Lindsey Wilson College
Word Processing, Spring 1989
Small Business Management, Spring 1989

CIVIC ACTIVITIES/RECOGNITIONS

- Business and Professional Women's Club, Officer, Young Career Woman
- Lindsey Wilson College Alumni Association, Officer
- White House Conference on Families, Planning Task Force
- Columbia Cares Organization, Officer
- Forward in the Fifth, Member
- Outstanding Young Career Woman, Who's Who in America Young Women
- Columbia/Adair County Chamber of Commerce, Member

REFERENCES AVAILABLE UPON REQUEST

HILDA GAY LEGG

P. O. Box 60
Milltown, Kentucky 42761

Home (502) 384-5586
Office (502) 384-2126

POLITICAL CAMPAIGN ACTIVITIES

1988	George Bush for President, Chairman, Adair County
	Bush Fifth District Steering Committee, Somerset, Kentucky
1987	Kentuckians for George Bush Organizational Committee, Lexington, Kentucky
1984	Republican National Committee, Registration Drive, 5th Congressional District of Kentucky Field Co-ordinator (salaried)
	Reagan/Bush for President and Mitch McConnell for Senator, joint campaign organization, 5th Congressional District of Kentucky Field Co-ordinator (salaried)
1982	Harold Rogers for Congress, Fundraising activities
1980	Reagan for President, Rogers for Congress, Headquarters Director, Adair County, Kentucky
1979	Nunn/Rogers Gubernatorial Campaign, Telephone Bank Volunteer, Adair County, Kentucky

REPUBLICAN ORGANIZATIONAL ACTIVITIES

1989	Campaign Committee Chairman, Kentucky Federation of Republican Women
	Publicity Chairman, KFRW Tribute to Women
	Organizer and elected Secretary, South Central Kentucky Lincoln Club
1988	Re-elected, Secretary, Republican Party of KY
	Precinct Co-Captain, Milltown, Kentucky
1987	Reorganized the Adair County League of Republican Women, Columbia, Kentucky

1986	Secretary, Republican Party of Kentucky, 2 yr-term
1985	Chairman, Adair County Republican Party
1984	Vice-Chairman, Adair County Republican Party
	Alternate Delegate, Republican National Convention, Dallas, Texas
1983	Precinct Youth Captain, Milltown, Kentucky
1980	Kentucky Federation of Republican Women, member

Questions from Senator Gordon J. Humphrey
Answered by
Jacqueline L. Phillips and Hilda G. Legg
of the
Appalachian Regional Commission

1. In light of the fact that President Reagan attempted without success to terminate funding for the Appalachian Regional Commission over the last decade, how do you view the Bush Administration's budget request of $50 million for the ARC in FY '91?

   The Bush Administration feels that $50 million is sufficient to continue the essential programs of the ARC while it determines if further funding is the most efficient and equitable use of scarce federal resources, especially in reference to other critical and competing national priorities.

2. As you know, the ARC was originally established as a temporary body to provide assistance to states in the Appalachian Region, and was not intended to become a permanent bureaucracy. Do you foresee a time when this organization will no longer be needed?

   I believe that there will, indeed, be a time when the ARC is no longer needed. That time will be, in my judgement, when the existing problems or disparities are reduced which prevent the limited number of distressed counties within the Region from competing on a roughly equitable basis for the economic benefits now enjoyed by others.

3. Do you foresee an expanded or contracted role for the ARC over the next 5,10,20,50 years?

   Assuming that the state of the national economy remains stable or continues to grow, I could see a contracted as opposed to an expanded role for most of the programs of the ARC over the next five years.

4. In light of the improvement in the economic, social and educational situation in the Appalachian area, and in light of the fact that the United States faces protracted budget difficulties, do you believe that continued federal funding of the ARC is justified?

   While the improvements cited are debatable for all of Appalachia, I believe that federal funding of the ARC at the $50 million level is justified in order to help alleviate the more severe barriers to economic development among the Region's most distressed counties and to assist in the basic support of growth initiatives and forward movement in the Region's economically marginal counties.

5. What do you foresee as your priorities as Chairman of the ARC?

   During the remainder of this fiscal year I will, of course, provide the leadership necessary to implement the ARC program specified in our FY 1991 budget request and funded by the Congress.

   My priorities would be a direct outgrowth of what I perceive to be the most pressing needs of the Region and what the Commission, within its mandate and resources, is able to accomplish.

   Thus, I would plan to place a great deal of my energy upon the following:

   1. continued construction of essential segments of the Appalachian Development Highway System,

   2. continued technical assistance with critical environmental problems such as solid waste and water pollution,

   3. emphasis on a variety of education and training for a competent and competitive workforce,

   4. basic infrastructure and health services for our most distressed areas, and,

   5. job creation and retention programs.

NOMINATIONS OF L. JOYCE HAMPERS AND BRIGADIER GENERAL ARTHUR E. WILLIAMS

TUESDAY, MARCH 27, 1990

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 11:15 in room 406, Dirksen Senate Office Building, Hon. Quentin Burdick (chairman of the committee) presiding.

Present: Senator Burdick.

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. This morning, the Committee on Environment and Public Works meets to receive testimony from two persons nominated by the President to positions in the Department of Commerce and the Mississippi River Commission.

First, we will hear from Ms. L. Joyce Hampers of Massachusetts who has been nominated to be Assistant Secretary for Economic Development in the Department of Commerce. The holder of this position directs the Economic Development Administration. This agency was established by what was then the Committee on Public Works nearly a quarter of a century ago in 1965.

EDA has come upon lean times in recent years. Both the Reagan and Bush administrations have tried to trim this agency since 1981; the Congress has just as consistently continued to fund it, currently at $214 million.

Once again, the Administration has requested $20 million. We believe that the agency will receive many times that amount through the appropriations process.

Ms. Hampers, we look forward to hearing your views on your roll in administrating a program which has survived 25 years despite everything.

We are fortunate to have one of our colleagues, Senator Gordon Humphrey from New Hampshire to make the introduction.

STATEMENT OF HON. GORDON J. HUMPHREY, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Mr. HUMPHREY. Thank you Mr. Chairman.

I am more than proud to introduce my constituent and friend, Joyce Hampers, who is President Bush's nominee to the post of Assistant Secretary of Commerce for EDA.

I have known Ms. Hampers and her husband, Gus, for many years, and I am pleased to recommend her highly to the committee.

Ms. Hampers has already established an able track record as Acting Assistant Secretary for the past eight months. For those of us who know her, that is no surprise. She brings to Washington a solid reputation as a public servant. She received her law degree at Boston College Law School and an advanced law degree at Boston University.

She has been active in the Massachusetts Bar for over 20 years. She practiced tax law for many years in Boston. In 1976, Joyce Hampers began a series of important State Government assignments. She served the Commonwealth of Massachusetts as Associate Commissioner of Corporate Taxation where she developed quite a popular following, I am sure.

She followed up on this assignment as Commissioner of the Massachusetts Department of Revenue, an even more popular position, in which she was responsible for a $38 million budget and $5 billion in revenues, all of which proves she can handle a large bureaucracy.

Joyce Hampers has also been very active in elective politics. She was a candidate for the State Treasurer's Office in Massachusetts where she lost a very close fight—all of this on top of being a dedicated wife and mother of three sons.

Since July, Joyce has been serving as the acting head of EDA. For my own part, I agreed with President Reagan who consistently advocated the abolition of this agency. In his budget submission, however, President Bush has indicated his support for EDA, though at somewhat lower levels of funding. It is obvious then that for better or worse, EDA is here to stay. The President has, therefore, wisely selected a highly competent manager who has already proven her ability to discharge the duties of the post to which the President has nominated her.

I hope that my colleagues will then join me in recommending to the full Senate confirmation of Joyce Hampers as Assistant Secretary.

Thank you.

Senator BURDICK. Ms. Hampers.

STATEMENT OF L. JOYCE HAMPERS, NOMINEE FOR ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT, DEPARTMENT OF COMMERCE

Ms. HAMPERS. Mr. Chairman and Members of the Committee, thank you for the opportunity to appear today before the Committee on Environment and Public Works.

I would like to express my appreciation to President Bush for nominating me; I am also grateful to Secretary Mosbacher for proposing my nomination to the President.

If confirmed, I look forward to working with the Congress in carrying out my responsibilities as Assistant Secretary of Commerce for Economic Development.

Mr. Chairman, the Administration's position on EDA is well known. At the same time, we all recognize that as long as the program continues to be funded, it is incumbent upon the Assistant

Secretary to make certain the Agency is well managed and professionally administered.

I believe my professional training as a lawyer and my experience in State Government qualify me to meet that challenge.

Let me cite one example. When I was Commissioner of the Department of Revenue in Massachusetts, I set a goal of turning around that poorly managed, disorganized, and demoralized bureaucracy. I instituted professional management reforms and, even with tax cuts, after three years the revenues increased over 50 percent overall, and audit collections by 120 percent.

My goal at EDA, if confirmed, is to apply the same management skills to ensure smooth implementation of the agency's programs. There are areas that can be made more efficient, for example, improved processing time of projects, closer monitoring of projects during the projects' construction phase and assessment of closed projects.

EDA exists to help financially distressed American communities, whether they are urban or rural. Rural America, in particular, suffers from high economic distress and slow job growth. One of my highest priorities, if confirmed, will be to help rural areas compete in a world market. Effectively addressing such complicated local problems from Washington is difficult at best, and capable management is very important.

The Economic Development Administration has an excellent staff. I have found that the veterans of the agency are competent public servants who are dedicated to fulfilling the mission of EDA.

Mr. Chairman, I look forward to utilizing their strong capabilities to improve administration of EDA programs. In so doing, I welcome the opportunity to work with the Congress.

Having worked with a legislative body in the past, I understand the importance of cooperation and communication. I respect the relationship between lawmakers and those who administer the law. I am well prepared to execute the programs of the Economic Development Administration, and am enthusiastic about the challenges which lie ahead.

Thank you for allowing me to present my qualifications to the Committee. I would now be pleased to answer any questions you may have.

Senator BURDICK. Thank you.

Do you have any financial interests or employment responsibilities which will put you in position of being in conflict of interest if you are confirmed for this position?

Ms. HAMPERS. Mr. Chairman, not that I know of at this moment. In fact, none at this moment. The ethics officer at the Department of Commerce has signed off, however there was some concern over some bonds that I own in some of the States. Should there ever be a project that we feel would affect a bond that I hold in that area, we have made arrangements to recuse my self if that is the case.

It is hard to believe that any one of the projects at EDA would effect a State issued bond, but if there is any concern about that, I will be sure to recuse myself.

Senator BURDICK. These are State bonds, not Federal bonds, am I right?

Ms. HAMPERS. Yes.

Senator BURDICK. If you are asked to appear as a witness for any committee of the House or Senate, are you willing to do so?

Ms. HAMPERS. Enthusiastically, Mr. Chairman.

Senator BURDICK. I have a number of detailed questions that I will ask you to answer in writing for the hearing record in the interest of time. (See p. 95.)

I would like, however, at this time to touch upon EDA's relations with the American Indians. I am told both by North Dakota Economic Development Commission and a number of tribal bodies that EDA's relationship with Indian tribes has deteriorated to the lowest point in the agency's history, while planning grants are still being awarded. Indian-related projects have been funded by EDA since fiscal year 1987.

Can you suggest any special initiatives which could be implemented to address this problem?

Ms. HAMPERS. Mr. Chairman, some members of your staff mentioned that yesterday, and I took the trouble when I got back to the office, to have staff look up for me the projects since 1980 that we have in North Dakota relating to North Dakota Indian tribes, and indeed, you are correct that there has not been a public works project affecting the North Dakota tribes since 1987, and as you state, the planning grants have gone on, but no other projects.

One of the things that one of your staffers had mentioned to me was that they thought there was a problem with the Indian tribes coming up with the local match that is necessary for some of these. I pointed out to them that that is not necessary in the case of the Indian Tribe grants, and that we can make 100 percent grant. I think that maybe there is some concern and some misunderstandings there, and we need to get the word out that we can do that, and that there does not have to be a local match. I think that would help.

Senator BURDICK. It would help very much.

We have here questions to be submitted to you by Senators Moynihan, Conrad, and Chafee.

I hope you can get them back to us in a reasonably short time. (See p. 100.)

Ms. HAMPERS. All right. These are to be written answers?

Senator BURDICK. Yes.

Thank you, Ms. Hampers.

[Responses from Ms. Hampers to additional questions and a committee questionnaire follow:]

POST-HEARING QUESTIONS FOR L. JOYCE HAMPERS

SENATOR BURDICK

QUESTION: I am told by the North Dakota Economic Development Commission that EDA's relationship with American Indian Tribes has deteriorated to the lowest point in the Agency's 25 year history. No projects have been funded in North Dakota since Fiscal Year 1987 in spite of the fact that Indian Reservation unemployment rates are at levels of 50 to 90 percent. These people have little or no hope of attracting jobs to their communities without basic infrastructure such as industrial parks, buildings, and technical assistance. For the most part, Indian Reservations are also unable to provide the nearly 50 percent of project costs which EDA requires for the awarding of grants. Mrs. Hampers, can you suggest any special initiatives which could be implemented at EDA to address this dilemma?

ANSWER: If confirmed, I will ensure that Indian tribes have full access to all of EDA's programs. I appreciate the difficulty that many Indian tribes face in contributing a local share to proposed EDA projects and this issue should be reviewed on a case by case basis. One of my priorities, upon confirmation, is to visit several Indian communities to gain firsthand knowledge of their conditions and potential.

QUESTION: In testimony given before the House Appropriations Commerce Subcommittee on March 6 by Acting Assistant Secretary Perry, it was stated that in FY 1990 $500,000 was being redirected from Indian, State, and Urban grants to fund planning grants to economic development districts. It is my understanding that this money is not being taken away from existing grants, but that it is money that is not being used. With regard to the Indian grants, is this because there has been a lack of applications for these funds, or are applications being denied?

ANSWER: In FY 1990, we anticipate redirecting approximately $500,000 to Economic Development Districts. This will be required to cover commitments in excess of the allocation for the 301(b) Planning Assistance program. The source of the transferred funds will be determined later in the fiscal year, once we have a clearer indication of the demand on the various programs.

In FY 1989, some of the Indian planning funds were redirected. These funds were available for redirection because the pipeline of grant requests was insufficient to use all of the available funds.

SENATOR BURDICK

QUESTION: Former Assistant Secretary Orson Swindle determined that two of North Dakota's Indian Reservations, Ft. Berthold and Standing Rock, are ineligible for EDA project consideration because they defaulted on significant EDA loans. These loans took place nearly 20 years ago. They have been cleared off through negotiations with EDA for almost five years. But recently the United Tribes Technical College, the only Indian-owned and controlled family training institution in the Nation, was deemed ineligible for EDA funding because Ft. Berthold and Standing Rock constitute two of the five Tribal Bodies on its Board. Do you think this is equitable? It is ironic that several years ago, a special, select Congressional Committee determined that both the Ft. Berthold and Standing Rock tribal bodies were owed multimillion dollar sums by the U.S. Government for land that they were forced to vacate and turn over for the construction of the Upper Missouri River Dam system. Mrs. Hampers, I ask that you review this specific situation as one of your first actions as Assistant Secretary for Economic Development. It is my hope that your discretionary power and humanitarian instincts will be used to end this pointed discriminatory policy.

ANSWER: Regarding the specific projects located at Ft. Berthold and Standing Rock, I am advised that: 1) In 1986 EDA resolved the debt involving the recreation complex at Four Bears Park in New Town, North Dakota, on the condition that the tribe be ineligible for any future assistance; and 2) EDA is currently finalizing plans to transfer its loan involving the Chief Gall Inn, located on the Standing Rock Reservation, to the Indian Health Service (IHS). I understand that the IHS will invest additional funds in the facility and return it to productive use. As you have requested, if confirmed I will review the circumstances of these debt resolution actions as they relate to pending and future requests for assistance from the tribes involved. I can assure you that one of my top priorities would be to address the needs of Native Americans on a fair and equitable basis.

SENATOR BURDICK

QUESTION: Under the current Acting Assistant Secretary, virtually all decision-making authority has been centralized into the Washington office, rather than in the regional offices. Is this not contrary to the Administration's stated policy of decentralizing decision-making? What will your policy be in this regard?

ANSWER: If confirmed, I plan to review all activities of the agency, and will consider appropriate delegations of authority. I am interested in ensuring that decisions on projects are made efficiently, and I fully recognize that there are advantages to the delegation of authority to competent staff in regional offices.

QUESTION: It is my understanding that, while former Assistant Secretary Swindle and his predecessors functioned for years with a limited staff in the Washington office, the current acting Assistant Secretary has added five more special assistants for a current total of nine. In view of decreasing appropriations and a corresponding drop in project activity, do you think this additional staff is necessary?

ANSWER: I am advised that there are three special assistants employed by EDA. I will give continuing consideration to appropriate staffing levels.

The North Dakota Economic Development Commission has conveyed a number of suggestions to me with regard to the recently implemented centralization mentioned above. The Commission believes that the application authorization, final project review, and funding approval should be assigned to EDA's regional offices. This would eliminate duplicative and time-consuming activity at the Washington level and leave decision-making to Economic Development Representatives most familiar with their geographic areas. What are your thoughts on these suggestions?

ANSWER: As I indicated above, if confirmed, I plan to review the grant approval process and determine appropriate delegations of authority, taking into account the resources available in EDA's regional offices. It is my goal to increase the efficiency of the Agency, and elimination of duplicated efforts would be a part of my strategy. Also, I would be very interested in personally reviewing the recommendations of the Commission.

SENATOR BURDICK

QUESTION: The North Dakota Commission also recommends a number of other initiatives which I would like your comments on, as follows:

--A thorough review of current Public Works and Development Facilities Program Policies and Initiatives, with a view to elimination, refinement, and adjustment of policies which hinder the timely consideration of applications. This review should address--

EDA 1st lien on building construction grants to public bodies;

Stringent non-relocation clauses for Public Works and Development Facilities grants;

A maximum local share requirement, particularly in extreme high unemployment and isolated areas;

Excess Capacity (702) requirements, particularly in nonindustrial situations or projects;

Property Value Agreements, particularly in high unemployment or isolated areas;

Review of Prohibited Project list per Federal Register; and

Possible reauthorization of Public Works Impact Program.

--New American Indian Reservations Initiatives.

--Reinstatement of "Growth Center" initiative in the Economic Development District Planning Program, including priority funding for Public Works and Development Facilities matching funds for projects which will have regional employment and economic development enhancement impact.

Publication of new Federal Regulations to reflect such changes and reestablish EDA as the principal economic development program, particularly in rural America.

ANSWER: Your questions highlight several important issues affecting EDA's activities. Some items are required by statute, others by existing EDA policy or procedure. If confirmed, I intend to address each of these in an intensive review early in my tenure, and I look forward to sharing my findings with you.

I would like to share my preliminary thoughts on some of the topics you mentioned:

The application process has been under review for the past few months, in an effort to streamline and improve the process. I look forward to the opportunity to evaluate options and recommendations resulting from this review. This will be an important part of EDA's Total Quality Management program.

Also, EDA continues to participate in Federal efforts to improve conditions for Native Americans. This month, EDA staff made a presentation to the White House Task Force on Indian Affairs, a group that has a standing representative from EDA. Also, EDA will participate in the Commerce Department's about-to-be-formed Committee for Native American Relations.

I understand EDA continues to recognize 'growth centers' in its Public Works and Development Facilities program. Proposals that demonstrate that the 'growth center' is experiencing distress or an unstable economy are favorably considered. Consistent with the concept of a 'growth center' the proposal must document and provide a logical explanation of how new job opportunities will be created for and filled by unemployed or underemployed residents of nearby distressed redevelopment areas.

I understand that EDA is prohibited by appropriation language from developing new regulations that would eliminate, refine, or adjust existing policies. The language, in effect, mandates that EDA, on a policy level, operate no differently than it did before December 22, 1987.

SENATOR MOYNIHAN

QUESTION: The last authorization for EDA expired at the end of FY 1981. Since then, it has been eliminated -- save for existing loan guarantees -- in every White House budget. Each year, however, Congress has kept EDA operating with appropriations. This pattern will likely continue. And if confirmed, you must reconcile the Administration's opposition with Congressional support for the program. How do you propose to do this?

ANSWER: Senator, as we have discussed, if confirmed as Assistant Secretary for Economic Development, my highest priority will be to manage and administer the Agency in full conformance with the law. I will promote a continuing dialogue between the executive and legislative branches of Government in addressing the Nation's economic development programs.

QUESTION: In each of the last four Congresses, the House of Representatives has passed a bill reauthorizing EDA. The House will likely do the same again in the next few weeks. Have you had a chance to consider how this bill (H.R. 2015) would affect EDA?

ANSWER: As I mentioned when we met, I have not had an opportunity to review H.R. 2015 and its impact on EDA, but will certainly do so.

QUESTION: If H.R. 2015 is passed by the House, it will be sent to the Senate, and referred to this committee. Because H.R. 2015 makes some important changes to existing law, would you be willing to submit your views on how H.R. 2015 could be amended to improve EDA?

ANSWER: As I stated at my confirmation hearing, it will be my priority to develop and maintain a good working relationship with Members of this Committee and Congress. If confirmed, I will make every effort to provide information about EDA programs for use of Members in their deliberations on H.R. 2015.

SENATOR MOYNIHAN

QUESTION: EDA's mission has been to stimulate long-term economic growth and insure stability through public works. It is primarily an infrastructure agency. And while even the Administration admits the severity of our infrastructure deficit, and how greatly it affects productivity, EDA -- historically an infrastructure agency -- is continually targeted for elimination. In fact EDA program funds have decreased 76.5 percent in real terms from 1980-1990. Can you account for this apparent inconsistency?

What is EDA's mission today? Is it still infrastructure?

ANSWER: EDA's mission is to stimulate long-term job growth and promote economic stability in distressed regions of the country. While the Public Works program does contribute to building infrastructure, this is not EDA's primary purpose. EDA also has Planning, Technical Assistance, Research and Economic Adjustment programs that contribute to the Agency's overall goals.

QUESTION: EDA has a program for "pockets of poverty", or "special area designation" within larger, non-designated areas. This program has been largely dormant. What are your thoughts on this program, and will you expand its application?

ANSWER: I understand that EDA continues to recognize "pockets of poverty" or "special impact areas" within larger, non-designated areas. Such areas that qualify for designation, or were previously designated by EDA, are eligible to participate in EDA programs. EDA will continue to carefully evaluate individual proposals to ensure that benefit will, in fact, be directed to the disadvantaged residents within the impact area. I will look closely at this program if confirmed, and utilize it when appropriate.

SENATOR LAUTENBERG

QUESTION: One of the most important aspects of the Economic Development Administration is its grant making role. Insuring that grant applications are processed expeditiously is necessary to insure that funds reach areas of need in a timely fashion.

On July 17, 1989, the Vineland Produce Auction Association, Inc. (EDA-1-89), applied for an Economic Development Administration grant of $900,000 for an expansion program. To date, all reviews have been completed by the Federal EDA and the Association's application is pending final funding approval.

The Vineland Produce Auction has requested grant assistance to implement expansion and improvement plans for the Produce Auction facilities and operations through the construction of a new platform and the installation of specialized cooling equipment technologies. This will enable over 550 farmers from southern New Jersey to increase the shelf life and quality of produce sold at the Auction.

It is conservatively anticipated that the proposed expansion project will create 192 new jobs, and increase payrolls over $2.8 million. The proposed project will have a significant impact on the continued viability of the existing agricultural economy in southern New Jersey.

As all permits and approval have been obtained for this project, when do you anticipate EDA issuing formal approval of the Vineland Produce Auction Association application?

ANSWER: Final processing of the Vineland Produce Auction Association, Inc., application was completed March 28, 1990. The project was approved the same day.

SENATOR REID

QUESTION: Why has Nevada's single EDA development district, the Western Nevada Development District (WNDD), been slated for budget cuts?

ANSWER: I am advised that WNDD's base funding level was $45,000 from 1985 to 1989 and has increased to $50,000 in 1990. Thus, EDA believes WNDD has not been slated for base funding budget cuts. In 1988, a local Indian organization grantee failed to perform adequately and thus freed up grant funds. These funds were allocated when EDA awarded additional grants of $32,000 and $42,000 in 1988 and 1989 respectively, to WNDD on a nonrecurring basis.

EDA believes that priority consideration for these Indian planning grant funds should be given to Indian tribal organizations. As you know, WNDD is not an Indian tribal organization. EDA supports this position because these funds, in addition to providing planning and technical assistance, help to establish administrative capacity within these Indian tribes.

QUESTION: Why have Nevada's applications for 302(a) planning grants been denied?

ANSWER: I am advised that only one application was submitted under the 302(a) State Planning program in FY 1989. The State of Nevada's application was reviewed and considered for funding, but because of the intense competition for the limited funds available, it was not selected. I understand that EDA has told state officials that they may resubmit their proposal for consideration under the FY 1990 program.

QUESTION: Do you intend to recommend the elimination of the WNDD in the future? If so, why?

ANSWER: I have not been in a position to review this funding request of WNDD, but if confirmed I will look closely at it.

SENATOR REID

QUESTION: Why was Nevada's application for an additional development district denied?

ANSWER: The Seattle Regional Office advises me it determined that the request to create a new district in Eastern Nevada did not meet EDA designation criteria because of its limited population, extensive area, long distances (over 300 miles) between the proposed boundaries, and no clearly defined growth center. I am aware that EDA staff has met with state delegates on several occasions to discuss this and other issues. EDA is coordinating a site visit to see whether a multicounty area could be defined that would adequately satisfy EDA's district designation criteria.

QUESTION: Compared to our nearest neighbor, Idaho, Nevada gets much less EDA funding. Between FY 81 and 89, Nevada received 61 grants and Idaho 234. Why such a large discrepancy?

ANSWER: Comparing EDA activity between two states to determine if each is being treated equitably is extremely difficult. Similar comparisons between Nevada and its other neighbors -- Utah, Wyoming, and Arizona -- yield vastly differing results. Comparing the number of projects between Nevada and Idaho is not valid either. The distribution of the population, the economy, local needs and the level of economic distress vary drastically. All of these factors, among others, must be analyzed when considering projects for development and funding.

QUESTION: Recently the Lander County grant application for industrial improvements at the Battle Mountain Airport was denied. At the same time, Twin Falls, Idaho, is receiving a grant to construct a bridge into an industrial park, yet unemployment in Twin Falls is lower than in Lander County. Why is Nevada being treated inequitably in this case?

ANSWER: I am advised the Seattle Regional Office is reconsidering its denial of the Lander County/Battle Mountain Airport proposal. I am assured that the pre-application will receive full and fair consideration and EDA will invite a full application soon.

SENATOR REID

QUESTION: Nevada's rural areas typically experience boom or bust growth due to the nature of the main economic activity: mining. Thus, it is a primary goal in Nevada to diversify the economy of our rural areas, so when the next bust comes, the dislocation will be minimized. EDA has not recognized this reality as demonstrated by the relatively low level of funding received. If confirmed by the Senate, will you recognize rural Nevada's unique situation and provide increased funding accordingly?

ANSWER: EDA makes a concerted effort to distribute its resources equitably. EDA understands the plight of local economies that are based on a single, cyclical industry such as mining in Nevada. Many areas of the Nation face such difficulties.

If confirmed, I will expect the Agency's representatives to work closely with local officials to develop viable projects that respond to the pressing needs of distressed areas, especially rural areas.

SENATOR GRAHAM

QUESTION: Ms. Hampers, Florida State University was able to develop and continues to maintain the Florida Economic Development Center. FSU's graduate program provides an excellent opportunity for college students to learn about regional economic development while assisting communities in meeting their development needs. The program has been funded through the Economic Development Administration until January 1988. What is your position on funding University Centers?

ANSWER: I am aware that the Economic Development Administration helped fund a program at Florida State University in 1987 called Young Professionals in Economic Development. This program provided an opportunity for graduate students to work in communities and assist them in developing their local economies. After EDA provided the seed money to establish this program, the state and local units of government have provided the financial support necessary to continue the program. This is precisely the result that the University Center program is designed to achieve, and it can serve as a model for attracting nonfederal funding to promising programs.

The graduation policy imposes a seven-year limit on participation by colleges and universities in the University Center Program. It also provides phaseout funding over several years to Centers which have already exceeded the seven-year limit in order to give those Centers an opportunity to secure other resources to continue their economic development activities.

I have been advised that implementation of the graduation policy has permitted EDA to begin operating the University Center Program as a source of "seed money" to help colleges and universities establish outreach programs to provide technical assistance in economic development. I believe that allowing additional economically distressed areas access to nearby Centers is a worthwhile goal. I am told this has resulted in establishing six new Centers during FY 1988 and 11 in FY 1989.

QUESTION: Should the Senate take up the reauthorization of the EDA, what recommendations would you make to improve the management and efficiency of current programs?

ANSWER: As I mentioned in a previous answer, if Congress chooses to continue funding EDA, it would be incumbent upon me to ensure that EDA is well managed and professionally administered. If confirmed, I will conduct a thorough review of EDA. I plan to improve the management relationship between headquarters and the regional offices, decrease grant processing time, and improve the quality of our service to applicants. A Total Quality Management (TQM) program will be implemented to help the Agency achieve these objectives. Also, under my leadership, EDA would work closely with other agencies within the Department of Commerce to achieve objectives that have been established by President Bush and Secretary Mosbacher.

SENATOR CHAFEE

QUESTION: As I understand it, almost ninety percent of the country is eligible for EDA assistance. Do you feel that this figure is a fair representation of economically distressed areas of this country? If confirmed, will you work to coordinate an effort to dedesignate areas eligible for aid?

ANSWER: Designated areas do not accurately represent the country's economically distressed areas because the demographics and economics of our Nation have changed so much since the designations were established. While Section 402 of the Public Works and Economic Development Act of 1965 (P.L. 89-136), as amended, required EDA to conduct an annual review of all designated areas and where appropriate to terminate or modify such designation, dedesignation was prohibited by P.L. 91-304 (1970) and P.L. 96-506, Section 2, 1982 and has been retained in all subsequent EDA appropriations. I understand that if dedesignation were permitted, EDA believes approximately 1,000 economically healthy areas would no longer be eligible for financial assistance, in turn, allowing those resources to be targeted to areas in which they could be most helpful.

QUESTION: As you know, the president has requested $20 million in the fiscal year 1991 Budget to facilitate the termination of the Economic Development Administration. How will you seek to balance the Administration's view on EDA with the continued will of Congress to retain the Agency?

ANSWER: In both his State of the Union Message and in his 1991 budget transmission, President Bush pledged to work with Congress to advance the Nation's interests. If confirmed as the Assistant Secretary for Economic Development, I will echo that pledge. As long as the program continues to be funded, it will be incumbent upon me to insure that EDA is well managed and professionally administered consistent with enacted legislation.

SENATOR CHAFEE

QUESTION: Do you have any major reform plans or new initiatives planned for the Agency?

ANSWER: If confirmed, I will conduct a thorough review of EDA. I plan to improve the management relationship between headquarters and the regional offices, decrease grant processing time, and improve the quality of our service to applicants. A Total Quality Management (TQM) program will be implemented to help the agency achieve these objectives. Also, under my leadership, I would envision EDA working closely with other agencies within the Department of Commerce to achieve objectives that have been established by President Bush and Secretary Mosbacher.

QUESTION: What is your view on the Federal Government's role in local economic development?

ANSWER: Local economic development activities that produce local benefits should result from the decisions of private investors and/or state and local governments. At the Federal level, the goals of local economic development can be better met through the Administration's national policies of savings, investments, and productivity growth. In the case of highly distressed areas, the Federal role would include incentives such as those in the Administration's Enterprise Zone proposal. Federal enterprise zones will bolster state and local efforts by providing strong Federal tax incentives for job creation and entrepreneurship in distressed areas.

Further, I believe that there are duplicative Federal programs for economic development at HUD, SBA, FmHA, REA, to name a few. This duplication costs American taxpayers millions of dollars unnecessarily. I believe this is the motivation behind the Administration's position on EDA. However, I believe that if Congress continues to fund EDA's operations, the taxpayers have a right to expect, and I would feel an obligation to ensure, the most efficient and effective agency.

SENATOR SYMMS

QUESTION: Do you plan to eliminate the Economic Development Representatives (EDR) positions?

ANSWER: As I am sure you are aware, Congress has legislated that 49 Economic Development Representatives be maintained. If confirmed, I will be reviewing the allocations of personnel resources within the Agency and will work with the Congress to secure management flexibility in the appropriate placement of EDRs.

QUESTION: Will the time and labor of local volunteers continue to be allowed as local match for district planning grants?

ANSWER: Although I do not intend to change this policy if confirmed, as part of my overall review of EDA policies, I plan to examine the nature and scope of in-kind contributions as they relate to our requirements for a local commitment to EDA-assisted projects.

QUESTION: What priority will you give to District Planning Grants?

ANSWER: I appreciate the contribution that District Planning Grants make to Economic Development Districts. If confirmed, I intend for the Economic Development Districts (EDD) to continue to play a role in maintaining and improving local economic development activity.

QUESTION: Do you believe project processing can be decentralized and speeded up so the benefits of a grant could be delivered in 3 to 5 months after application?

ANSWER: Upon confirmation, I plan to implement a Total Quality Management program that will address such issues as cycle time for applications and the relationships between headquarters and the regional offices.

QUESTION: Do you believe the EDRs should be allowed or encouraged to be advocates for local distressed areas?

ANSWER: The Economic Development Representatives are employees of EDA. Their primary responsibility is to represent EDA to local communities and to provide access and information for EDA programs. While serving in a liaison rather than an advocacy role, they are expected to assist communities in their efforts to promote economic development.

SENATOR SYMMS

QUESTION: The City of Mountain Home, Idaho, has applied for an EDA grant which would provide about one-third of the funds necessary for a water system improvement project. City officials understand that, because Elmore County has less than six percent unemployment, the grant may not be awarded. The unemployment rate does not account for the loss of approximately twenty percent of the area labor force and the high incidence of local farm bankruptcies during the 1980s. What is the status of this grant application and what factors will be used to determine the City's eligibility?

ANSWER: I am advised that EDA's Seattle Regional Office has decided not to invite an application from the City of Mountain Home. It is EDA policy to target its assistance to the most distressed of areas. Unemployment rates and per capita income data, available from Federal sources for virtually all areas of the nation, provide a good yardstick for evaluating the relative distress of areas.

EDA recognizes however, that rural areas in particular can experience economic distress that is not reflected by those two statistics and considers other factors including, but not limited to, population changes, farm foreclosures, bank failure and dramatic changes in property value in its competitive evaluation of proposals.

EDA acknowledges the economic distress in the Mountain Home area; however, the Regional Office Project Review Committee decided not to invite a formal application for the water system improvements because the primary justification for the project appeared to be for commercial development that will occur without EDA assistance. One of the listed beneficiaries, the Sleep In Motel, is scheduled to open May 15, 1990, and does not require the proposed water system improvements for its successful operation. Regarding the "jobs saved impact" that was claimed, a compelling reason was not provided to convince EDA that these jobs would not survive without the requested assistance. As a result, as presented by Mountain Home, a pressing need for the project was not sufficiently demonstrated and the proposal was determined to be noncompetitive.

SENATOR SYMMS

QUESTION: Do you favor the graduation plan for University Centers?

ANSWER: I am advised that the graduation policy imposes a seven-year limit on participation by colleges and universities in the University Center Program. It also provides phaseout funding over several years to Centers which have already exceeded the seven-year limit in order to give those Centers an opportunity to secure other resources to continue their economic development activities.

I have been advised that implementation of the graduation policy has permitted EDA to begin operating the University Center Program as a source of "seed money" to help colleges and universities establish outreach programs to provide technical assistance in economic development. I believe that allowing additional economically distressed areas access to nearby Centers is a worthwhile goal. I am told that this policy has resulted in establishing six new Centers during FY 1988 and 11 in FY 1989.

QUESTION: Do you intend to use the full flexibility of the Public Works and Economic Development Act to serve the most distressed areas of the country? For example, will you look at distress factors other than just unemployment rates to determine eligibility? In Idaho, rural communities in agriculture and mining areas have suffered a tremendous "out-migration" of residents because of poor economic conditions which results in an unemployment rate that does not adequately reflect economic distress in these communities.

ANSWER: I am aware that it is EDA policy to target assistance to the most distressed areas. Unemployment rates and per capita income data, available from Federal sources for virtually all areas of the Nation, provide a good yardstick for evaluating the relative distress of areas.

EDA advises me, however, that rural areas in particular can experience economic distress that is not reflected by those two statistics. The Agency, therefore, considers other factors including, but not limited to, population changes, farm foreclosures, bank failure and dramatic changes in property value in its competitive evaluation of proposals.

SENATOR CONRAD

QUESTION: In your statement of qualifications you state that "my most appropriate qualification for this office is my demonstrated dedication to making Government responsive and effective in dealing with the needs of its citizens." What do you see as the highest priority needs of our citizens in the area of Economic Development? What specific programs does EDA have in place or planned to meet these highest priority needs?

ANSWER: If confirmed, one of my priorities is to conduct a thorough review of the Agency to determine how to improve responsiveness to areas suffering severe economic distress, to decrease grant processing time, and to provide greater quality service to all applicants. My plan would be to implement a Total Quality Management (TQM) program which would help EDA achieve these objectives. The TQM effort will focus on identifying several important aspects of the Agency's operations with the goal of overall improvement and coordination. TQM identifies the citizens in our Nation's distressed areas as one of the Agency's groups of "customers" whose needs must be identified and met. At this time, I believe it would be premature to comment further as I would prefer to wait for the results of the initial stages of the TQM effort.

QUESTION: The policies of the Acting Assistant Secretary, Mr. Perry, have come under criticism from a number of areas including the North Dakota State Economic Development Commission. What role do you anticipate Mr. Perry will play in the EDA under your leadership?

ANSWER: At this time, I have not made any decisions regarding management personnel. If confirmed, I will set the policies and direction of the Agency and will expect that all personnel I select will follow these guidelines. Under my leadership, our management team would work within existing legislation to carry out the mission of the Agency.

SENATOR CONRAD

QUESTION: The EDA has functioned since 1982 without new authorizing legislation. The Administration has indicated each year since 1982 that it questioned the need for continuing the Agency. What is your understanding of the Administration's opinion of the Agency at the present time? Have you been selected to oversee the dismantling of EDA? If not, what do you see as the three or four highest priority needs of the Agency that would insure the Agency's ability to "promote the recovery of economically distressed areas" as required in the enabling legislation?

ANSWER: If confirmed, I do not believe my role would be to dismantle EDA, but rather to manage it effectively and to provide assistance to those areas that suffer from the greatest economic distress.

As I indicated in earlier questions, the Agency will undertake a major effort (called Total Quality Management-TQM) that will identify the Agency's highest priority needs. If confirmed, I look forward to leading this organized effort to identify and respond to the Agency's highest priority needs.

QUESTION: American Indian Tribes have indicated that their relationship with EDA has deteriorated to the lowest point in the Agency's 25 year history. It is reported that no Indian projects were funded in the just completed fiscal year in spite of the fact that Indian Reservation unemployment and poverty rates are at a disheartening 50% to 90%. In order to attract jobs to their communities tribes need basic infrastructure such as industrial parks, buildings, and technical assistance. What efforts or special initiatives will you undertake at EDA to address these needs of Native Americans?

ANSWER: I will ensure that Indian tribes have full access to all of EDA's programs. One of my priorities, upon confirmation, is to visit several Indian communities to gain first hand knowledge of their conditions and potential. As I indicated in an earlier question from Senator Burdick, one of my top priorities would be to address the needs of Native Americans on a fair and equitable basis.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: HAMPERS (Last) LAVONNE (First) JOYCE (Middle)

Position to which nominated: Assistant Secretary for Economic Development

Date of Nomination: January 29, 1990

Date of birth: 30 September 1938 (Day) (Month) (Year) Place of birth: Mount Vernon, Indiana

Marital status: Married Full name of spouse: Constantine Louis Hampers

Name and ages of children:

Louis Constantine Hampers	Age 23
Marcus Joseph Hampers	Age 22
Douglas Anthony Hampers	Age 19

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Boston University School of Law	September 1967 - January 1969	L.L.M.	January 1969
Boston College Law School	September 1964 - June 1967	L.L.B.	June 1967
Northwestern University	January 1959 - January 1962	None	
Indiana University	September 1956 - October 1959	None	

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

3/59 - 1/63	Vice President/Director of Operations, Staff Research Association, Management and Personnel Consulting
1/63 - 7/64	Vice President/Branch Office Chief, Staff Research Association Philadelphia, PA
7/64 - 9/64	Secretary/Paralegal, Henry Malkasian, Esquire, Boston, Massachusetts
9/68 - 8/74	Associate Attorney, Wilson, Curran, Malkasian & Winward, Attorneys-at-Law, Boston, Massachusetts

Employment record—Continued

8/74 - 7/75	Attorney, Private Practice, Self-employed, Weston, Massachusetts
7/75 - 2/78	Associate Commissioner, Commonwealth of Massachusetts, Department of Corp. and Tax, Boston, Massachusetts
9/78 - 2/79	Attorney, Partner, Blake & Hampers, Attorneys-at-Law Boston, Massachusetts
2/79 - 1/83	Commissioner of Revenue, Commonwealth of Massachusetts, Department of Revenue, Boston, Massachusetts
1/83 - 12/85	Attorney of Counsel, Rosales & Rosales, Attorneys-at-Law Boston, Massachusetts
12/85 - 11/86	Candidate for State Treasurer - Commonwealth of Massachusetts
12/85 - 10/89	Attorney of Counsel, Tierney & Manoil, Attorneys-at-Law Boston, Massachusetts
7/89 - Present	Consultant, U. S. Department of Commerce, Economic Development Administratio Washington, DC

Honors and awards: **List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.**

Outstanding Graduate - 50th Anniversary Award - Boston College Law School

Distinquished Public Service Award -- Northeastern States Tax Officials Association

Outstanding Public Service Award -- Commonwealth of Massachusetts Department of Revenue

Merit Scholarship Awards -- Indiana University

National Honor Society Member

Memberships: **List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.**

Organization	Office held (if any)	Dates
Belmont Hill School	Incorporator	1989 - Present
WBEI Radio	Vice Chair Editorial Board	1986 - Present
Meadowbrook School	Trustee	1976 - 1982
Massachusetts Bar Association	Member - Probate Committee, Chair-Educational Committee	1967 - Present
American Bar Association	Member - Estate and Gift Tax Committee	1967 - 1980
Northeastern States Tax Officials	Vice President and President	1979 - 1983

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Both my experience and education have prepared me well for the position to which I have been nominated by the President. My legal education and experience have advanced by problem solving and reasoning skills. My work experience, successfully directing a large state agency (Tax Department -- $38 million budget; $5 billion in revenues), is proof of my ability to innovatively manage a seemingly intransigent bureaucracy as well as to deal effectively with its various constituencies: the legislature, the press, and the public. I am proud of the many creative policy and procedural reforms instituted in the Massachusetts Department of Revenue during my tenure as its

(Continued on attached page)

Future employment relationships:

1. **Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.**

I am currently a consultant to the Department of Commerce. I have severed all connections with my prior employers.

2. **As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.**

I have no foreseeable plans to return to any of my previous places of employment.

3. **Has anybody made a commitment to you for a job after you leave government?**

No

4. (a) **If you have been appointed for a fixed term, do you expect to serve the full term?**

Not applicable

Continuation of Qualifications

Commissioner. However, I believe that my most appropriate qualification for this office is my demonstrated dedication to making Government responsive and effective in dealing with the needs of its citizens.

28-903 O - 90 - 5

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

None

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Not applicable

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are any assets pledged? (Add schedule).

No

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Audit - 1971 - deficiency assessment - appealed to U. S. Tax Court

Upheld Commissioner's determination. Assessment paid.

(Continued on attached page)

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

I will consult with the General Counsel of the Department of Commerce and, if appropriate, divest myself of conflicting interests, recuse myself or obtain a waiver of conflict of interest restrictions under 15 U.S.C. § 208(b) if the interest is not substantial.

Continuation of Question No. 6

Audit 1972 - determination of refund due - paid to taxpayer; Audit 1974-1975; 1976-1977 - determination of small deficiency - paid by taxpayer; Audit 1980, 1981, 1982, 1986, 1987 - No change.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

See attachment

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

See attachment

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

Various articles on specific state tax laws and administration policy published as part of the Bentley College Tax Forum Proceedings and in the Massachusetts Bar Association Quarterly between 1976 and 1982. I have written no other publications nor delivered any speeches relating to the environment or related matters.

Response to Question No. 5

To avoid any conflict of interest or appearance of a conflict, I will issue a recusal statement whereby I agree not to participate in any matters in which I have a financial interest. I have consulted with officials in the Department of Commerce's Office of General Counsel on this matter and they determined that such recusal would avoid conflict problems and would not significantly interfere with my ability to perform the duties of Assistant Secretary for Economic Development. I will also resign from my position as a member of the Editorial Board of a radio station in order to avoid any possible basis for a conflict between that outside activity and my Government position. In addition, I will consult with the General Counsel or members of his staff whenever a question arises concerning a conflict of interest or ethics question. Attached is a copy of my recusal statement.

Response to Question No. 5 - Political Affiliation and Activities

Memberships and Offices Held	Contributions
*The Hampers Committee - Campaign for Massachusetts State Treasurer	$13,400
Massachusetts Republican Party - Member of the the Financial Advisory Committee and Key Club	2,718
Massachusetts Federation of Republican Women - Past President	0
George Bush for President Committee - Massachusetts Co-Chair	2,000
George Bush for President Committee - National Steering Committee	0
Massachusetts Taxpayers Committee - Director and Member Executive Committee	3,000
Citizens for America - Past Massachusetts Chairman	16,680
Citizens for Limited Taxation - Member Advisory Committee	0
Republican National Committee (Victory '88 $500 additional)	1,250
Judd Gregg Committee - Congress	2,500
Judd Gregg for Governor	2,000
The Sununu Committee	3,950
Committee to Elect Edward J. King	3,000
Shamie for U.S. Senate	2,500
McGrath for Congress	2,000
Hager for Senate	2,000
Durenberger for Senate	2,000
Finnegan for Boston Committee	2,000

*Includes only contributions--not loans.

(Above totals includes spouse's contributions)

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

None

District of Columbia:

AFFIDAVIT

Louise Hanson) ss. being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Louise Jane Rowland

Subscribed and sworn before me this 31 day of January, 1990.

Louise Jane Rowland

Louise Jane Rowland
Notary Public

My Commission Expires 1-1-92

My Commission Expires

Senator BURDICK. We will continue with General Arthur E. Williams. Brigadier General Arthur Williams has had a very distinguished military career. He was nominated to be president and member of the Mississippi River Commission.

Since 1979, this seven-member panel has planned and implemented water resource programs for the Mississippi River Valley. These programs consist of flood control and navigation projects.

General Williams, will you proceed?

STATEMENT OF BRIGADIER GENERAL ARTHUR E. WILLIAMS, NOMINEE FOR PRESIDENT AND MEMBER OF THE MISSISSIPPI RIVER COMMISSION

General WILLIAMS. Thank you, Mr. Chairman and Members of the Committee.

I am Brigadier General Arthur E. Williams, Commander and Division Engineer, Lower Mississippi Valley Division, U.S. Army Corps of Engineers. I am honored to appear before you as nominee for president and member of the Mississippi River Commission.

Mr. Chairman, I would like to make a brief statement about the Mississippi River Commission, the Mississippi River and Tributaries—MR&T—project, and my qualifications for the position for which I've been nominated.

The Mississippi River Commission consists of seven members, all of whom are appointed by the President of the United States subject to confirmation by the Senate. Three members are Corps of Engineers officers, one of whom serves as president. One member is from the National Oceanic and Atmospheric Administration, and three members are from the civilian sector. Two of the civilians must be civil engineers.

From its inception in 1879, the Commission has been charged with the vital task of planning and implementing a program to develop and control the lower Mississippi River. This task continues to be conducted in concert with the myriad of political institutions, individuals, and public entities which have major interests in seeing that the water resources needs and opportunities of the Mississippi Alluvial Valley are evaluated, planned, designed, constructed, and maintained.

The Mississippi River Commission also is responsible for the oversight and management of the Mississippi River and Tributaries project, which was approved by the Flood Control Act of May 5, 1928. While the MR&T project covers portions of seven States, it receives water from all or part of 31 States and part of two Canadi an provinces, or roughly 41 percent of the contiguous United States. Effective planning, construction, and operation of the widespread and complex MR&T project have been assisted greatly by the Commission's active consultation with the public, particularly on its semiannual lower Mississippi River inspection trips, and by the high degree of professionalism that has been developed in its staff.

The MR&T project is truly of national significance. For example, a major Mississippi River flood would have catastrophic effects on the inhabitants of the Mississippi Valley and the economy of the

nation were it not for the protection provided by the levees and other flood control works throughout the project area.

In addition, the navigation features of the project are essential to maintaining the river for shipping import and export commodities between inland ports and world markets. In short, the navigation features of the MR&T project are essential in peace time and vital to our national defense in times of emergency.

In regards to my personal qualifications, I am a 1960 graduate of St. Lawrence University, Canton, New York, where I received a bachelor's degree in mathematics. In addition, I have a bachelor's degree in civil engineering from Rensselaer Polytechnic Institute, Troy, New York, and a master's degree in civil engineering and economic planning from Stanford University, Stanford, California. I am also a graduate of the U.S. Army Engineer Basic and Advanced Officer Courses, the U.S. Army Command and General Staff College, and U.S. Naval War College. In addition, I'm a registered professional engineer in the State of Minnesota as well as a member of several national engineering and science honor societies.

During my almost 28 years of military service, I have held numerous Corps of Engineers positions which pertain to my pending confirmation. Prior to my current position, I served two years as Commander, Pacific Ocean Division, Corps of Engineers; Chief of Staff, two years, Corps of Engineers, Washington, D.C.; Commander, three years, Sacramento District; Assistant Director, one year, Upper Mississippi Region, Corps of Engineers, Washington, D.C.; and Deputy Commander, two years, St. Paul District.

Each of these positions involved administration and management of water resources projects at different levels within the U.S. Army Corps of Engineers.

If confirmed to the post, Mr. Chairman, I would look forward to participating in the continual improvement of the MR&T project and applying the best of modern practices in water resources engineering. I would also look forward to being a part of a Commission concerned with the continued effort of safely passing the Mississippi River Basin flood waters to the Gulf of Mexico plus providing a safe and dependable navigation waterway which is so important to our nation.

Mr. Chairman, I have attached a resume of my service career and a current list of members of the Mississippi River Commission.

Mr. Chairman, that completes my prepared statement, and I would be pleased to respond to any questions.

Senator BURDICK. Thank you. Do you have any financial interests or employment responsibilities which would put you in the position of being in conflict of interest if you are confirmed for this position?

General WILLIAMS. No, sir, I do not.

Senator BURDICK. If you are asked to appear as a witness before this or any other committee of the House or Senate, are you willing to do so?

General WILLIAMS. I most certainly would, sir.

Senator BURDICK. General Williams, in view of the fact that most major navigation and flood control projects in the lower Mississippi

have been completed, do you still perceive a need for the Mississippi River Commission?

General WILLIAMS. Yes, sir, we certainly do. The work of the Mississippi River Commission and the oversight and management of the Mississippi River and Tributaries Project still has much to be done. The Commission oversees that particular project.

Senator BURDICK. According to your testimony you have spent some time in the St. Paul office.

General WILLIAMS. Yes, sir.

Senator BURDICK. What river basins were you concerned with at that time?

General WILLIAMS. We had the upper Mississippi River down to Guttenberg, Iowa, locks and dams of the Mississippi, plus the headwaters of the Mississippi, and part of the area in your particular State.

Senator BURDICK. Missouri?

General WILLIAMS. Not part of the Missouri, no, sir, it belongs to our Missouri River Division.

Senator BURDICK. Are there any other questions?

We have statements by Senator Chafee and Senator Symms to be made a part of the record at this point.

[The statements referred to follow:]

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Mr. Chairman, I welcome our nominees this morning, Ms. Hampers and Brigadier General Williams.

I am particularly pleased to have General Williams appear before the committee as the President's designate to read the Mississippi River Commission. General Williams has had a long and distinguished career with the Army Corps of Engineers, and I might add, studied at the Naval War College in Newport, Rhode Island.

As you know, Mr. Chairman, the committee in the past h questioned whether the Commission performs a duplicative function with regard to the duties of the Board of Engineers for Rivers and Harbors. In my view, all Army Corps projects should follow the same review process, so I look forward to General Williams' testimony on this issue. In addition, I am interested in General Williams' views on environmental enhancement and the Corps' role in wetlands preservation and restoration.

Ms. Hampers is well aware of my position with regard to the Economic Development Administration (EDA). EDA is a program whose time has come and gone. Created in 1965 to promote the recovery of distressed areas, the agency has funded a hodge podge of pork barrel projects, accumulated a portfolio full of loans in default and recorded an abysmal record of job creation.

The record speaks for itself. The very committee which oversees EDA, the Environment Committee, has not seen fit to reauthorize it since 1982. From its inception, the program has been wracked by fraud and mismanagement.

I offered an amendment to delete funding for EDA in 1985. That effort was defeated, with my opponents arguing that you should not throw away a program simply because there have been abuses. And I agree. We made a commitment then to exercise special oversight on EDA's programs. But there has been little change.

EDA's most recently published annual report (1988) highlights the arbitrary nature of the grant process. EDA programs are expected to be awarded competitively on the basis of severe economic need or other prescribed criteria. However, in fiscal year 1988 nearly $6.75 million or 3.7 percent of EDA's entire program appropriation was designated for legislatively mandated projects. And I quote the report, "It is highly unlikely that these congressionally mandated projects would have received favorable consideration based upon the normal criteria under which all applications should be judged. These projects would have failed to qualify for assistance because the unemployment rates in the project areas were substantially lower than the typical applicant's, their costs were excessive given available EDA resources, or

simply because they were not consistent with EDA programs and legislative purpose."

It is clear that EDA funds are being targeted to projects that in only small measure address the problem of regional economic disparities. The mission of EDA is to create job opportunities for the unemployed and underemployed in areas of high economic stress. Yet, as I understand it, almost 90 percent of the American people reside in communities eligible for EDA assistance.

In the fiscal year 1991 budget, the President has proposed terminating the Economic Development Administration. I support that effort. EDA is an agency that has been cut back over the years, and yet the horror stories continue. The time has come to direct our limited Federal resources elsewhere.

In the event that Congress decides to fund the program, however, it is important for this committee to do all it can to ensure that our Federal dollars are being spent efficiently and effectively. I urge you, Ms. Hampers, if confirmed, to target assistance to those areas of the country that need it most. In addition, it is imperative for the agency to improve its loan loss record.

Mr. Chairman, the job ahead for Ms. Hampers is a difficult one, but I look forward to working with her in this effort.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Mr. Chairman, I believe the President made a fine decision when he chose Joyce Hampers to run the Economic Development Administration and General Williams to be President of the Mississippi River Commission. I am pleased the Committee is meeting today to consider the nominations, and I hope we'll move them forward expeditiously.

Mrs. Hampers has a long record of public service in Massachusetts where she has worked as a tax attorney and served as state tax commissioner under Governor Ed King. During the 1980s, she changed her party affiliation from Democrat to Republican—a thoughtful but not terribly popular thing to do in the Commonwealth of Massachusetts—and has worked hard to help invigorate our party in that state. In 1986, she lost a statewide election against an incumbent officerholder but she garnered a very substantial share of the popular vote. As most of us at the dais know firsthand or can imagine, it takes tremendous fortitude, courage, and true ability to run for office and do well against the odds. I believe those professional and political experiences will serve Mrs. Hampers well at the EDA, and I look forward to working with her there.

I also am pleased to support the nomination of General Williams to be President of the Mississippi River Commission. As Commander of the Army Corps of Engineers Lower Mississippi Valley Division, he no doubt understands the water resource needs and special circumstances that often obtain in that region of the country. I believe he'll be very successful in that office.

Thank you, Mr. Chairman.

Senator BURDICK. At this time the meeting will come to a close, but the record will be open for one week for statements on behalf or against either 1 of the nominees.

Thank you, General, for being with us this morning.

General WILLIAMS. Thank you, Mr. Chairman.

Senator BURDICK. We are adjourned.

[Whereupon, at 11:34 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

[General Williams' résumé, and responses to additional questions and a committee questionnaire follow:]

RESUME OF SERVICE CAREER

of

ARTHUR EDWARD WILLIAMS, Brigadier General

DATE AND PLACE OF BIRTH 28 March 1938, Watertown, New York

YEARS OF ACTIVE COMMISSIONED SERVICE Over 27

PRESENT ASSIGNMENT Commander, United States Army Engineer Division, Lower Mississippi Valley, Vicksburg, Mississippi 39180, since August 1989

MILITARY SCHOOLS ATTENDED
The Engineer School, Basic and Advanced Courses
United States Army Command and General Staff College
Naval War College

EDUCATIONAL DEGREES
Saint Lawrence University - BS Degree - Mathematics
Rensselaer Polytechnical Institute - BS Degree - Civil Engineering
Stanford University - MS Degree - Civil Engineering/Economic Planning

FOREIGN LANGUAGE(S) None recorded

MAJOR DUTY ASSIGNMENTS

FROM	TO	ASSIGNMENT
Sep 62	Nov 62	Student, Engineer Officer Basic Course, United States Army Engineer School, Fort Belvoir, Virginia
Dec 62	May 64	Platoon Leader, Company C, later Assistant S-3, 23d Engineer Battalion, 3d Armored Division, United States Army Europe
May 64	Nov 65	Commander, Company B, later S-3, 23d Engineer Battalion 3d Armored Division, United States Army Europe
Dec 65	Jan 67	Commander, Company C, 87th Engineer Battalion, United States Army Vietnam
Mar 67	Sep 67	Student, Engineer Officer Advanced Course, United States Army Engineer School, Fort Belvoir, Virginia
Sep 67	Jun 69	Student, Stanford University, Stanford, California
Jun 69	Jul 70	S-3, 577th Engineer Battalion, United States Army Vietnam
Jul 70	Jun 72	Deputy Commander, United States Army Engineer District, St. Paul, St. Paul, Minnesota
Aug 72	Jun 73	Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas
Jun 73	Jun 74	Commander, Student Officer Detachment, United States Army Engineer School, Fort Belvoir, Virginia
Jul 74	Jun 76	Secretary, and later Director of Support, United States Army Engineer School, Fort Belvoir, Virginia

ARTHUR EDWARD WILLIAMS, Brigadier General

MAJOR DUTY ASSIGNMENTS

FROM	TO	ASSIGNMENT
Jun 76	Jan 78	Commander, 44th Engineer Battalion, 2d Engineer Group, United Nations Command/United States Forces, Korea/Eighth United States Army, Korea
Jan 78	Jun 78	Chief, Plans and Operations Branch, United Nations Command/United States Forces, Korea/Eighth United States Army, Korea
Aug 78	Jun 79	Student, Naval War College, Newport News, Rhode Island
Jul 79	Jun 81	Personnel Assignment Officer, later Chief, Assignment Branch, Colonels Division, Officer Personnel Management Directorate, United States Army Military Personnel Center, Alexandria, Virginia
Jun 81	Jun 82	Assistant Director, Upper Mississippi Region, United States Army Corps of Engineers, Washington, DC
Aug 82	Jun 85	District Commander, United States Army Engineer District, Sacramento, Sacramento, California
Jul 85	Jul 87	Chief of Staff, United States Army Corps of Engineers, Washington, DC
Jul 87	Aug 89	Commander, United States Army Engineer Division, Pacific Ocean, Fort Shafter, Hawaii

PROMOTIONS	DATES OF APPOINTMENT
2LT	12 Sep 62
1LT	5 Jun 63
CPT	3 Aug 65
MAJ	24 Sep 68
LTC	11 May 75
COL	3 Jun 81
BG	1 Oct 87

US DECORATIONS AND BADGES
Legion of Merit (with 3 Oak Leaf Clusters)
Bronze Star Medal (with Oak Leaf Cluster)
Defense Meritorious Service Medal
Meritorious Service Medal (with 2 Oak Leaf Clusters)
Army Commendation Medal
Army Achievement Medal

SOURCE OF COMMISSION ROTC

SUMMARY OF JOINT ASSIGNMENTS Exempt from serving a joint duty assignment based upon general officer selection for scientific and technical skills.

As of 27 March 1990

CURRENT MEMBERS OF THE MISSISSIPPI RIVER COMMISSION

Mr. Sam E. Angel	Civilian/Businessman	Arkansas
Mr. R. D. James	Civilian/Civil Engineer	Missouri
Mr. Frank H. Walk	Civilian/Civil Engineer	Louisiana
MG Charles E. Edgar III	Corps of Engineers Officer	
RADM Wesley V. Hull	National Oceanic and Atmospheric Administration	
COL(P) Gerald E. Galloway, Jr.	Corps of Engineers Officer	

March 1990

QUESTIONS AND ANSWERS

1. Would you outline the Commission's primary functions?

A: Section 4 of the Act of Congress dated 28 June 1879, which established the Mississippi River Commission, stated that the duty of the Commission was to consider and mature plans for flood control and navigation on the Mississippi River and to submit such plans to the Secretary of War to be transmitted to the Congress. The Flood Control Act approved 15 May 1928 authorized the current Mississippi River and Tributaries project. Section 10 of that Act directed that reports prepared to recommend projects on the Mississippi River and its Tributaries be presented to the Mississippi River Commission and that the conclusions and recommendations of the Commission be transmitted to the Congress with the report of the secretary. The 1928 Act also directed that the Commission perform the following functions which were reiterated by directive of the Secretary of War and Chief of Engineers in a letter dated 14 November 1928:

a. Make high and low water inspection trips and hold public meetings described under Section 8 of the Act.

b. Recommend policy for the development of the details of the project adopted by law.

c. Recommend policy for carrying out the work under the adopted project.

d. Consider and recommend the general character and types of work to be used in construction of the adopted project.

e. Recommend annually the program of work to be undertaken during the following Fiscal Year.

The Mississippi River Commission today carries out the functions prescribed by the 1879 and 1928 Acts and the directive of the Secretary and Chief of Engineers as outlined above. Of course, we now operate under the Secretary of the Army rather than Secretary of War.

2. How do these functions differ from those of the Board of Engineers for Rivers and Harbors?

A: The Board of Engineers for Rivers and Harbors was authorized for Congress in Section 3 of the River and Harbor Act of 13 June 1902. The purpose of the Board as stated in the Act was to review "...all reports upon examination and surveys provided for by Congress and all project or change in projects for works and improvements...". In accordance with that legislation the current function of the Board is to review pre-authorization reports for navigation and flood control and allied purposes to ensure that established national policies have been properly considered and applied to individual project reports. Unlike the Mississippi River Commission, the Board has no responsibility for administration or implementation of projects, or developing annual programs of work after they have completed the pre-authorization review. With regard to policy recommendations, the purpose of the Board is to ensure consistency with established policy, but has no policy formulation responsibilities. the Commission is charged by law to recommend policy for development and carrying out the project in the Mississippi River and Tributaries area.

3. As I understand it, review of water project proposals are performed by the Board of Engineers for all areas of the country except the Mississippi River basin. In the basin, the Commission reviews the projects. In essence, the Mississippi River Commission conceives, conducts, and reviews its own project studies. Do you feel it is sound policy to have Mississippi River basin projects bypass the independent review of the Board of Engineers?

A: The primary and established function of BERH is to ensure uniform application of National policy in water resources planning. The Mississippi River Commission and its operating staff are subject to the same established procedures for evaluation of water resources projects as is the rest of the U.S. The Commission has a majority membership composed of senior engineer officers and the Director of the National Ocean Survey. The President of the Commission and, in many instances, other General Officers serve on the BERH as well as the Mississippi River Commission. This ensures that National policy is appropriately considered as projects are considered by the Commission. In addition, the Commission reports, as well as the BERH reports, are subsequently reviewed for conformance to National policy by the Office, Chief of Engineers, Secretary of the Army, the Office of Management and Budget, and ultimately, by the Congress.

The Commission is required by law to review reports pertaining to the Mississippi River and Tributaries project. Review of reports by the Board of Engineers for Rivers and Harbors in addition to the Commission review would constitute some duplication and result in some delays and inefficiencies in processing the reports to Congress.

The Chief of Engineers and the Secretary of the Army have the option of having the Board review for them reports of the Commission if they feel there are policy concerns of significant scope to warrant review by the Board. The Secretary has had the Board review at least one report of the Commission within the past several years (Nonconnah Creek).

4. Is there any reason why the Board could not perform the functions of the Commission?

A: Although the BERH could review pre-authorization reports originating in the Mississippi River and Tributaries area, the Board with its present organizational structure, could not function efficiently to serve the primary purpose of the Mississippi River Commission in implementation and administration of the authorized and ongoing Mississippi River and Tributaries project. This arrangement would also eliminate all values brought to the Commission function by the civilian members and the member from the National Ocean Survey.

The civilian membership and public hearings during inspection trips result in valuable coordination of the Chief of Engineers' development of the Mississippi River and Tributaries project with local governments and people affected by the project. This has proven exceptionally important as local responsibilities have been increased by increased cost sharing and we have taken initiatives to consider local interest as partners in development of the project.

5. Would you outline the Commission's major ongoing projects and objectives for 1990 and fiscal year 1991?

A: We plan to continue our efforts in fiscal years 1990 and 1991 on the main-line Mississippi River and Atchafalaya Rivers. This entails bringing levees up to grade and working to stabilize riverbanks for the purposes of flood control and navigation.

We also are continuing with tributary basin improvements for the purpose of flood control.

In addition, we are continuing work on freshwater diversion projects in Louisiana for the purpose of improving water quality. We are continuing our land acquisition process in the Atchafalya Basin where environmental and developmental easements are being bought, along with some public access lands.

Studies authorized by Congress will continue and essential maintenance activities of completed features of the project will proceed.

6. Does the Commission share the Corps' new emphasis on maintaining and restoring the environment?

A: The Commission definitely shares the thought that there should be increased emphasis on maintaining and restoring the environment. The Commission has during the past several years implemented a number of environmental initiatives into the planning, construction, and operation of the Mississippi River and Tributaries project. Although I am sure the Commission will consider flood control and navigation, its basic responsibility, as high priority initiatives, I am equally sure that the Commission will take every available opportunity to maintain and restore environmental values as well.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Williams (Last) Arthur (First) Edward (Middle)

Position to which nominated: President and Member, Mississippi River Commission **Date of Nomination:**

Date of birth: 28 March 1938 (Day) (Month) (Year) **Place of birth:** Watertown, New York

Marital status: Married **Full name of spouse:** Carole Elaine Williams

Name and ages of children:

Arthur S. Williams	10/24/62	27
Christina L. Williams	5/4/64	25
Cheryl L. Williams	6/1/68	21

Education:

Institution	Dates attended	Degrees received	Dates of degrees
St. Lawrence University	9/56 - 6/60	BS	6/60
Rensselaer Polytechnic Ins.	9/60 - 6/62	BSCE	6/62
Stanford University	9/67 - 6/69	MSCE	6/69

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

6/62 - 9/62	Highway Engineer	Bureau of Public Roads Washington, DC
9/62 - 1/63	Student	U.S. Army Engr School Fort Belvoir, VA
1/63 - 1/66	Staff Ofcr/Co. Cdr.	U.S. Army/23rd Eng Bat West Germany
1/66 - 1/67	Company Commander	U.S. Army/87th Eng Bat South Vietnam
1/67 - 9/67	Student	U.S. Army Engr School Fort Belvoir, VA
9/67 - 7/69	Student (Stanford)	
7/69 - 7/70	Staff Officer	U.S. Army/577th Eng Bat South Vietnam

Employment record—Continued

7/70 - 7/72	Dep. Dist. Engineer	U.S.A. St. Paul Dist	St. Paul, MN
7/72 - 7/73	Student	USA Command & General Staff College	Ft. Leavenworth, KS
7/73 - 7/76	Staff Officer	USA Engineer School	Ft. Belvoir, VA
7/76 - 7/78	Battalion Cdr.	U.S. Army/44th Eng Bat	South Korea
7/78 - 7/79	Student	Naval War College	Newport, RI
7/79 - 7/81	Personnel Assign. Ofr	U.S. Army Military Personnel Center	Alexandria, VA
7/81 - 7/82	Asst. Dir./Civil Works	U.S. Army Corps of Engineers Hdqtrs.	Washington, DC
7/82 - 7/85	Cdr/Dist. Engineer	USA Sacramento Dist.	Sacramento, CA
7/85 - 8/87	Chief of Staff	U.S. Army Corps of Engineers Hdqtrs.	Washington, DC
8/87 - 8/89	Commanding General	U.S. Army Pacific Ocean Division	Honolulu, HI
8/89 - pres.	Commanding General	U.S. Army Lower Miss. Valley Division	Vicksburg, MS

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Tau Beta Pi - National Engineering Honor Society

Chi Epsilon - National Civil Engineering Honor Society

Pi Mu Epsilon - National Mathematics Honor Society

Sig 8: Sigma - National Physics Honor Society

Scabbard and Blade - Military Honor Society

Military Awards include: Legion of Merit (3 awards); Defense Meritorious Medal; Bronze Star (2 awards); Meritorious Achievement Medal (3 awards); Army Commendation Medal; Army Achievement Medal

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Society of American Military Engrs	Regional V-Pres	1970 to present
Association of United States Army	Member	1982 to present
Tau Beta Pi	Member	1962 to present
Chi Epsilon	Member	1962 to present

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

-- A college graduate with 3 degrees (BS, BSCE, & MSCE) with majors in engineering and economic planning.

-- Over 27 years of military service in U.S. Army Corps of Engineers; currently Commanding General of the U.S. Army Corps of Engineers, Lower Mississippi Valley Division.

-- Extensive experience in management of major water resource development programs and projects.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I plan to continue on active duty as an officer in U.S. Army.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

Upon retirement from U.S. Army, I do not plan to resume employment or affiliation with my current organization.

3. Has anybody made a commitment to you for a job after you leave government?

No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

If appointed, I expect to serve a full term.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

N/A - I have not been appointed.

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

N/A - I have not previously held such position.

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None.

3. Are any assets pledged? (Add schedule)

No.

4. Are you currently a party to any legal action?

No.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No.

Potential conflicts of interest.

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

No conflicts exist.

5. **Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.**

The Mississippi River Commission does not have conflict of interest laws and regulations in addition to those of the U.S. Army to which I am subjected. My Deputy Standards of Conduct Counselor has reviewed my enclosed Financial Disclosure Report (SF 278). In addition, I already have an SF 278 on file at the Department of the Army, as required of all general officers.

Political affiliation and activities: **List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.**

None.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

None.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

AFFIDAVIT

Arthur Edward Williams) ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete. Also, he/she has no interests or connections that might put him/her in a conflict of interest position with duties as a member of the Mississippi River Commission.

Arthur Edward Williams

Subscribed and sworn before me this 30th day of November, 1989

Notary Public

Warren County
State of Mississippi
My commission expires
7 June 1993